

2025:PHHC:071961



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

288

**CRM-M No.21737 of 2025
Date of Decision: 26.05.2025**

Kuldeep Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raja Sharma, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.0239 dated 11.08.2024 registered under Sections 115, 118(1), 118(2), 3(5) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") at Police Station Quilla Panipat, District Panipat. His previous petition bearing CRM-M No.711 of 2025 was dismissed by this Court vide order dated 25.02.2025.
2. As per the allegations, the victim Sumit Malik and the petitioner were working as Security Guards at the same place. On 10.08.2024, a verbal altercation had taken place between them. On the

2025:PHHC:071961



same night, the petitioner along with the co-accused reached outside the house of the victim Sumit Malik and called him outside. When he came out, the petitioner along with the co-accused assaulted him and caused injuries with sharp edged weapon. The complainant who is mother of the victim raised alarm but she too sustained injuries at the hands of accused Pardeep Sharma and then the assailants fled away. The thumb of right hand of Sumit Malik had been amputated. After registration of FIR and during investigation, the petitioner was arrested on 14.08.2024. Presently, he along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since long. The subject offences are triable by Magistrate. The co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The victim and material witnesses including the complainant have since been examined. There are no chances of his intimidating them. There is change in the circumstances due to prolonged period of his incarceration and due to examination of material witnesses. No purpose would be served by keeping him in custody any more. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be given benefit of bail. It is also submitted that there is no substantive or new ground for allowing the

2025:PHHC:071961



petition. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is in custody since 14.08.2024. The material witnesses stand examined. The co-accused have since been extended benefit of bail. The offences for which he has been charge-sheeted are triable by Magistrate. Keeping in view the period spent by the petitioner in custody coupled with the fact that there are no chances of his intimidating the witnesses and in view of the fact that the co-accused have been extended benefit of bail, this Court is of the considered opinion that the petitioner has made out a case for release on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. His release on bail shall further be subject to following conditions:

- (i) He shall mark his presence before the SHO of the police station concerned at 11:00 AM on first Monday of every month till conclusion of trial;
- (ii) He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial

2025:PHHC:071961



Court in advance.

(iii) He shall deposit his passport if any, with the learned trial Court.

(iv) He shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

26.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No