



CRM-M No.22262 of 2025 (O & M)

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

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CRM-M No.22262 of 2025 (O & M)

Date of decision : 12.08.2025

Virender alias Pawan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Lovejeet Poonia, Advocate, for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Sonpreet S. Brar, Advocate
for the complainant-respondent No.2.

SUMEET GOEL, J. (ORAL)**CRM-31561-2025**

This is an application under Section 528 of BNSS seeking impleadment of father of the deceased i.e. Mahavir Singh S/o Puran Ram as respondent No.2 in the array of parties.

For the reasons stated in application, the same is allowed as prayed for, subject to all just exceptions. Mr. Mahavir Singh, S/o Puran Ram, R/o Neemla, Ellenabad, District Sirsa is ordered to be impleaded as respondent No.2 in the array of parties. Amended memo of parties is taken on record. Registry to do the needful.

CRM-M No.22262 of 2025

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of



regular bail to the petitioner in case FIR No.429 dated 27.6.2024, under Sections 302, 201, 212, 34, 404 and 120-B of IPC, registered at Police Station Rania, District Sirsa.

2. The FIR in question was lodged by the complainant namely Inder Singh, who alleged that he was having partnership in the liquor business at village Kharian, Tehsil Rania, District Sirsa with deceased Rajendra son of Mahavir, resident of village Neemla, Tehsil Ellenabad, District Sirsa. On 26.06.2024, at around 12:00 midnight, his co-partner namely Rajendra was taken on a motorcycle by accused Dharmendra Karir, resident of village Kharian, Tehsil Rania, from the Kharian liquor shop to his residence. It was further alleged that at approximately 01:13 a.m., the complainant had called Dharmendra on his mobile requesting that his co-partner namely Rajendra be sent back. Accordingly, the said Dharmendra assured the complainant that he would drop his co-partner Rajendra at the shop within 10 minutes. However, immediately, thereafter, both the phones i.e. one of accused namely Dharmendra and the second of his co-partner namely Rajendra were switched off and there had been no information about his co-partner namely Rajendra since then. It was further alleged by the complainant that the said Dharmendra Karir owns a Bolero Camper vehicle and the CCTV footage from Bacher Petrol Pump shows that the said vehicle was heading towards Rajasthan. The complainant has strong apprehension that his partner has been abducted and is being wrongfully confined by the aforementioned accused. On these set of allegations, instant FIR was registered and investigation ensued.



3. Learned senior counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has further iterated that the prime allegation available against the petitioner is in the shape of a confessional statement of co-accused namely Dharmender; statement made by father of the deceased at the time of inquest proceedings and the allegations that the bolero vehicle allegedly used in the commission of the offence belonged to the petitioner. Learned senior counsel has pointed out that the petitioner was arrested on 15.7.2024 and as many as 55 prosecution witnesses have been cited thereby rendering the likelihood of an early conclusion of the trial highly improbable. Learned senior counsel has emphasized that the co-accused namely Sonu @ Sandeep Kumar, Anil @ Rinku, Monika and Bhajan Lal have already been extended the concession of regular bail by the trial Court vide orders dated 01.10.2024, 03.10.2024 and 23.07.2024 respectively. Thus, on the ground of parity alone, the petitioner is entitled to be released on bail during the pendency of trial.

On strength of the aforesaid submissions, the grant of regular bail is entreated for.

4. *Per contra*, learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

4.1 Learned counsel appearing for the complainant-respondent No.2 has vociferously argued that there are serious allegations against the petitioner and in case he is released on regular bail, there are all the chances that he may influence the evidence by intimidating the witnesses.



Learned counsel has further iterated that the petitioner had motive to kill the deceased since there was a dispute over liquor vend allocation. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 15.7.2024 wherein after investigation was carried out and challan stands presented on 24.9.2024. Total 55 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that culmination of the trial will take its own time. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. It is not in dispute that somewhat similarly placed co-accused namely Jagtar Singh and Harjinder Singh @ Harwinder Singh @ Binder have been extended the concession of regular bail by this Court vide orders dated 04.04.2025 passed in CRM-M-11632-2025 and CRM-M-55014-2024 respectively, which orders, as per the admitted position before this Court, have not been challenged by the rival parties. It is not in dispute that the petitioner is in custody in the present FIR since 15.7.2024.

6.1 As per custody certificate dated 07.8.2025 placed on record by



the learned State counsel, the petitioner is stated to be involved in two more FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.



- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

12.08.2025
Ashwani/Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No