



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

CRM-M-32577-2025(O&M)

Date of decision: 20.06.2025

Vijay

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pradeep Duhan, Advocate
for the petitioner.

Mr. Saurav Girdhar, AAG, Haryana.

Sandeep Moudgil, J.

1. This petition has been filed under Section 483 of BNSS of 2023 for grant of regular bail to the petitioner in FIR No.23, dated 27.01.2025, under Sections 115, 190, 191(2), 191(3), 333, 351(2), 61 of Bharatiya Nyaya Sanhita (BNS) [Sections 110 & 117(2) of BNS added later on), registered at Police Station Badhra, District Charkhi Dadri, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“12. FIRST INFORMATION CONTENTS: TO, SHO Sir Police Station Badhra, Charkhi Dadri, Sir, I humbly request that I am Ravinder alias Babbal S/o Umed Singh resident of village Mehnda and I work in land related matters. I and Pawan alias Jitendra S/o Risal Singh resident Dhanasari had bought 4 acres of land in the boundary of Bhanda village on Loharu Road Badhra Road in 2019. Both of us were equal shareholders, Jitendra alias Pawan made 5 more partners in his share. Dinesh PTI resident Satnali Bas at present near Mittal Petrol Pump, Suresh S/o Ishwar Master Ji resident Dhanasari, Dinesh S/o Ishwar resident Patuvas, Sombir S/o Challuram resident



Bhopali, Vijay S/o Vidyanand resident Hansavas Khurd have been made partners. For about 7/8 months, all the above partners were arguing about taking the front land. About 4 months ago a rogue named Amit Fatehgarh threatened me over the phone that the land in front belongs to me and my partners, if you interfere in it I will kill you. On 24.01.25 at about 3.40 PM I, Dharmendra alias Dharam S/o Ramkan resident Bhandwa, Manendra S/o Jaichand resident Bhandwa, Dharmendra's maternal uncle's son Naresh alias Sonu S/o Devendra resident of Bhiwani Shanti Nagar, Dharmendra were sitting in our plot when suddenly 8 young boys came to us with sticks and asked who is Babbal. I said it was me. On which all of them started beating me with sticks and beat me badly and said that Amit Fatehgarh has sent us and if I do not vacate this land immediately we will shoot you. After this all of them fled in 2 cars, 1-20 and Swift car. This attack was carried out by Amit Fatehgarh, Jitendra alias Pawan, Suresh Dhanasari, Dinesh Patuwas, Sombir Bhopali, Vijay Hansavas Khurd, Dinesh Satnali Bas (Dadri), Sandeep Dhani Surja to grab my land. Seven to eight unknown people have hatched a criminal conspiracy. You are requested to take strict legal action against all the above accused.”

3. Learned counsel for the petitioner contends that neither the petitioner is named in the FIR nor he was present at the place of occurrence when the incident occurred. However, a false recovery of danda has been implanted on him. He further contends that co-accused namely, Kirtiman, Jitender @ Pawan and Dinesh Kumar have already been granted the concession of regular bail by this Court, as detailed in para 7 to 9 of the petition.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record and in terms whereof the petitioner has



undergone 4 months and 17 days of custody. The challan has been filed on 26.03.2025, but none of the witnesses has been examined so far. He, however, opposed the prayer for grant of bail on the ground that serious allegations have been levelled against the petitioner, besides the fact that he has been found involved in five other cases and as such he does not deserve the concession of regular bail.

5. Heard learned counsel for the parties.

6. Taking into consideration the totality of the circumstances; the fact that the co-accused of the petitioner have already been released on bail and that nothing is to be recovered from his possession and also that criminal antecedents of petitioner are clean; investigation is complete, challan has been presented on 26.03.2025 and also out of total 20 prosecution witnesses, none have been examined so far, which is suffice for this Court to infer that the conclusion of trial will take a long time for which the petitioner cannot be detained behind the bars indefinitely.

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to



the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

8. In view of the aforesaid discussions, this petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. The petition in the aforesaid terms stands allowed.

(Sandeep Moudgil)
Judge

20.06.2025
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO