2025:PHHC:107563

CRM-M-33796-2025

225

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33796-2025
Date of decision: August 19, 2025

Anosh

….Petitioner

versus

State of Haryana

….Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

*****

SUMEET GOEL, J. (ORAL)

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.0055 dated 24.01.2025, registered under Sections 115(2)/ 118(2)/ 191(2)/ 191(3)/ 3(5)/ 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 126(2)/ 109(1) of the BNS added later on), at Police Station Palla, District Faridabad.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

> *"To The SHO, Police Station: Palla, Sir, it is submitted that I, Irfan Raja s/o Akhtar Ansari r/o House No.3, street No.3, Teetu Colony, Part-2, Faridabad. Today on 24.01.2025 at about 4 pm I alongwith my brother were near Arif's house then Charu and his three friends who were present in a vacant plot and started abusing us. After that I came from there and my brother gone to the factory of Sunder Nagar at Kala road, then I came to know that there was a fight with my brother and I reached immediately to the shop near Om School, Kala Road. Where Charu and his six friends were beating his brother with knife and sticks.*

MAHAVIR SINGH
2025.08.19 16:52
I attest to the accuracy and
authenticity of this order/ judgment

> *On my reaching there, seeing the crowd gathering all the seven persons fled away from the spot on two motorcycles along with knife and sticks. While leaving the spot they threaten to kill. Please take legal action against Charu and his friends.*"

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.01.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that assuming *arguendo*, the prosecution version is taken to be correct, injury which has attracted serious penal provision, is attributed to co-accused, namely Vishal Singh @ Aryan. Learned counsel has further iterated that the petitioner is a young man aged 20 years with having clean antecedents. Thus, regular bail is prayed for.

4. 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. Learned State counsel seeks to place on record custody certificate dated 18.08.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 26.01.2025 whereinafter investigation was carried out and challan was presented on 24.04.2025. Total 18 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 par give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court

MAHAVIR SINGH
2025.08.19 16:52
I attest to the accuracy and
authenticity of this order/ judgment

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.

6.1. As per custody certificate dated 18.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months and 23 days, & is not shown to be involved in any other case/FIR.

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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
(vii) The petitioner shall not in any manner try to delay the trial.

MAHAVIR SINGH
2025.08.19 16:52
I attest to the accuracy and
authenticity of this order/ judgment

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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 19, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

MAHAVIR SINGH
2025.08.19 16:52
I attest to the accuracy and
authenticity of this order/ judgment