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

CRM-M-35450-2025

Date of Decision:17.07.2025

ANAND AWANA

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Aman Pal, Advocate &
Mr. Rishabh Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.0130 dated 01.03.2025, registered under Sections 109(1), 115, 190, 191(3), 351(2) of BNS, 2023 (hereinafter referred to as BNS) & Section 25 of Arms Act 1959, (whereby Sections 117(2) and 238(B) of BNS were added later on), Police Station Suraj Kund, District Faridabad.

2. Mr. Amit Khatkar, Advocate has put in appearance on behalf of the complainant by filing his power of attorney, which is taken on record.

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been falsely involved in the present case



at a later stage, without any incriminating evidence against him. Learned counsel further contends that as per the case set up by the prosecution, the petitioner was carrying a bamboo stick. However, no specific injury has been attributed to him. Even as per discharge summary of Aniket Rai, injured, he was discharged from the Asian Institute of Medical Sciences on 04.03.2025 i.e. within 03 days of the occurrence and had suffered minor injuries. Learned counsel further submits that in the present case, the injuries which were alleged suffered by Aniket Rai have been declared to be grievous in nature and the offence under Section 109(1) of BNS has been added only to make the offence graver. Learned counsel further submits that the petitioner was arrested in the present case on 23.04.2025 and is in custody for the last about 03 months. As per learned counsel, the charge is yet to be framed against the petitioner and the trial has not even formally begun against him.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and the petition deserves to be dismissed. Moreover, the petitioner is also facing 02 more criminal cases and is a habitual offender.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner was arrested on 23.04.2025 and is in custody for the last about 03 months. Even though, the challan has been presented against him, but the trial Court has not even framed the charge against the petitioner and there is no likelihood of early conclusion of the trial.



Moreover, the injured has been discharged from the hospital long ago. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.



8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

17.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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