



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

230

CRM-M-36509-2025

Date of decision: 04.11.2025

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Chetan Juneja, Advocate for
Mr. Abhimanyu Jangra, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 329 dated 07.11.2024 registered against him, for commission of offences punishable under Sections 109(1), 115(2), 324(4), 117(2), 238 of BNS at Police Station Faridabad Old, District Faridabad, has prayed for grant of bail.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Criminal proceedings in the present case were initiated on the statement of one Vikash son of Prakash resident of Village Lulwadi, P.S. Chandhat, District Palwal, who alleged therein that on 06.11.2024, he along with his 2 friends namely Tushar and Sunny were heading towards Budkhal Metro Station on motorcycle for picking up his cousin brother Vipin. At about 11:40 A.M, when they reached near Mehndi Godown, their motorcycle got entangled with a pickup Van. Verbal altercations were followed by a scuffle, into which suddenly the driver of the pickup Van took out an iron rod from his vehicle and unleashed an attack. In the complaint, complainant has mentioned that multiple blows given to him and his other 2



friends. It is further his case that though, they were able to snatch the iron rod and had started moving forward on their motorcycle, when again suddenly the driver of the pickup Van came from behind and hit their vehicle, as a consequence of which they fell down.

Primarily with this backdrop, complainant requested the police officials to catch hold of the accused, as also to initiate appropriate criminal proceedings against him. On the basis of the said complaint, a formal case vide FIR No. 329 dated 07.11.2024 under Sections 109(1), 115(2), 324(4), 117(2), 238 of BNS, was registered.

During the course of investigation, petitioner was arrested on 22.11.2024. Statements of witnesses were recorded. Culmination of investigation resulted in filing of challan.

3. Petitioner/accused who was arrested on 22.11.2024 had moved an application for grant of bail before the learned Additional Sessions Judge, Faridabad. The same was dismissed vide order dated 03.07.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that the entire incident has been given a different colour. It was a simple case of road accident but deliberately false allegations have been leveled against the petitioner. Further the fact that none of the multiple injuries suffered by 3 injured were declared to be 'Dangerous' to life, also suggest that facts have been twisted.

The second leg of submission raised by learned counsel for the petitioner is that petitioner has been in custody for almost one year, complainant and other injured witnesses have been examined, thus the



apprehension that in case petitioner is released on bail, he might intimidate complainant and other related witnesses, stands negated. Continuing further, learned counsel submits that, even then the possibility of completion of trial in the near future is quite remote.

Towards the end, learned counsel contends that petitioner, whose past antecedents are quite clean (being not involved in any other criminal case), deserves a lenient view to be taken in his favour by extending him the concession of bail. Prayer for allowing the petition has been made.

5. Reply dated 14.08.2025 by way of an affidavit of Mr. Sanjeev Kumar, HPS, Assistant Commissioner of Police, Faridabad has been placed on record. In para 4 thereof, apart from mentioning factual backdrop leading to the registration of the FIR, the number of injuries inflicted by the petitioner on each of the three injured namely Vikash, Tushar and Sunny along with their medico legal reports have also been pointed out. Learned State counsel has opposed the request for grant of bail on the ground that petitioner, who is native resident of UP, is likely to flee from the process of justice by not appearing in the Court. In case, he is released on bail and thus, it would be difficult to procure his (P) presence. Dismissal of the petition has been prayed for.

6. Both the counsel have been heard and documents on record have been perused.

7. In view of the submissions advanced by learned counsel for the petitioner, but without advertng to merits of the case, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the



Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon’ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the*



- evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

04.11.2025
Hemant

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