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

CRM-M-36325-2025

Date of Decision:17.07.2025

SAHIL @ SUNNY

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Rishi Pal 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.0162 dated 09.08.2024, registered under Sections 115(2), 126(2), 351(3), 190, 191(2) & Sections 117(2), 109(1), 61(2) (added later on) of BNS, 2023, Police Station Safidon City Safidon, District Jind.

2. The FIR in the present case was registered on the basis of the statement made by Jagdeep Rathi son of Sh. Sunder Singh and the same has been reproduced below:-

"Statement of Jagdeep Rathi s/o Sundar Singh resident of Village Sahanpur Tehsil Safidon, age 55 years, Mobile No. 9467503350. Stated that I am resident of the above said address and is practising Advocate in Safidon court. I am married. I have four



sisters and I alone is brother. I have two sons. Today on 09.08.2024, after completing the court work, I went to the market and then took my own motorcycle Make City-110, bearing Registration Number HR-33-5598 and left for my village Sahanpur. At around 05.30 PM, I reached near the Sandhu Dera on Sahanpur Road and when I reached the spot, a white coloured RITZ like car came from the direction of village Sahanpur and at once parked in front of my motorcycle and blocked my passage. After this, along with the car, two other motorcycles also came there and 7 unknown boys riding the motorcycle and car, who had bamboo sticks (Danda) and Iron rods in their hands by saying that to kill me started beating me. One of the boys said in between that only hit on the hands and legs but all the others were saying that he has to be killed. Then while beating me, they made me fall into a pit alongside the road and started beating me again, which is on the left side of the road leading to my village. I was constantly shouting bachao-bachao (save me). I kept screaming and they all kept beating me. The people nearby hearing my voice came to the spot and upon seeing them coming they left towards Safidon City on their motorcycles and car with their bamboo sticks and rods. I could not see the number of the car and the motorcycle. I do not know the names and addresses of the boys, but I can recognize them if they come in front of me. You are requested to take the strictest legal action against all the said unknown boys".

3. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 30.09.2024 and is in custody for the last almost 10 months. Even the injuries suffered by the injured in the present case were declared to be grievous in nature and the offence under Section 109(1) of BNS was added only to aggravate the offence otherwise the ingredients of Section 109(1) BNS are completely missing in the peculiar facts and circumstances of



the case. He further contends that the co-accused Virender, Rahul, Aryan and Jagdeep have already been granted the concession of bail by the Courts and the case of the petitioner is at par with Rahul.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 07 more cases were ordered to be registered against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. In the present case, the petitioner is stated to be in custody for the last about 10 months. Even his case is almost parity with co-accused namely Rahul, who has already been granted the concession of bail by this Court vide order dated 05.05.2025 (Annexure P-3). 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