

2025:PHHC:088162



CRM-M No.36705 of 2025

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

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**CRM-M No.36705 of 2025
Date of decision : 18.7.2025**

Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Rashmi Verma, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, 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.303 dated 22.4.2025, under Sections 351(2), 3(5), 115, 110, 117 of Bharatiya Nyaya Sanhita, 2023, (Section 117 of BNS added later on), registered at Police Station Karnal City, District Karnal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At this time, I am Sub inspector Gulvinder Singh, Police Station Karnal City, present at police station, that a written complaint was received at the Police station of Sub Inspector Rajbir Singh Police Post Sec 4 Karnal from applicant Mustakim son of Kalu Khan resident of Street no. 22 Vikas Colony Karnal through constable Ravinder No.1874/KNI, the details of the same are that---To, Incharge Police Post, Sec 4 Karnal Respected Sir, it is requested that I am Mustakim son of Kalu Khan resident of Street



no.22, Vikas colony Karnal, that on 20.04.2025 at around 11 o'clock, my brother Manavar son of Kalu Khan resident of ArjunGate called on my nephew Arif's phone and told him that he has been given beatings with sticks and Danda by Deepa and Mitta along with two other persons in grain market, then my nephew informed me about this, and after receiving this information, I rushed to the market to find my brother where he used to work, but I could not find him, then I shouted my brother's name in order to search for him, then suddenly 4 boys came, among whom I only recognized one person i.e., Deepa by face, then I asked them as to why you have given beatings to my brother, on hearing this they started beating me too, they were having sticks and lathis in their hands, then suddenly one of them took out a knife from his pocket and tried to hit me, whom I pushed away and then huge crowd gathered at the spot and all 4 of them ran away from the spot. The persons from the crowd picked me up from the market and took me to Karnal Civil Hospital for treatment, where I was treated. Today I have come to your police station and have presented my complaint and MLR. That strict legal action should be taken against the culprits. Sd/.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 6.5.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the offence of Section 110 of Bharatiya Nyaya Sanhita, 2023 is not made out from the factual *milieu* of the case in hand. Learned counsel for the petitioner has further argued that no specific role has been attributed to the petitioner. Learned counsel has further argued that there is inordinate/unexplained delay in registration of the FIR in question. 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 has submitted that there is clear, cogent and convincing



evidence available against the petitioner including supplementary statement of the PW-injured. Learned State counsel seeks to place on record custody certificate dated 18.7.2025 in Court, 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 6.5.2025. Investigation was completed and challan stands presented on 11.7.2025. Total 9 prosecution witnesses have been cited and charges are yet to be framed. Indubitably, conclusion of trial will take its own time. The rival contentions raised at Bar; including the contention as to whether the offence under Section 110 of Bharatiya Nyaya Sanhita, 2023 is made out in the factual *milieu* of the case in hand, shall be gone into during the course of trial. This Court 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. As per custody certificate dated 18.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 2 months.

6.1 As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under Section 379 IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of



regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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 cell-phone number to the



Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

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.

(SUMEET GOEL)
JUDGE

18.7.2025
Ashwani

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