



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

223

**CRM-M No.39672 of 2025
Date of decision : 13.8.2025**

Akib @ Aarif**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Aarti Sharma, Advocate and
Mr. Jitender Ranga, Advocate, for the petitioner

Mr. Deepak 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.143 dated 19.2.2020, under Sections 341, 34 and 379-B of the IPC, registered at Police Station Chandnibagh, District Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'The current case is such that on 19.2.2020 the complainant of the case came to the police post and submitted an application which is jail- To Police Post lurcharge Sector 11-12, Panipat Sir, it is requested that I Dhamendra son of Sukhbir resident of village Tughana police station Aperauli district Bagpat UP, currently residing near Kalupaur Colony Kabadi Gate, Panipat, I work as a sweeper in JPM Company Sector 25, Panipat, on 18.2.2020 at about 9.30 PM, I was going to my home from



Krishna Garden Sector 29 on my motorcycle no. It was made on HR-60K-7789 when I was going to a union sector 25, the accused stopped me, threw me down from the motorcycle, punched me on the face, took away a mobile phone from my pocket which had sim no. 8607915474 and Rs. 4300 by force and fled on their motorcycle. Due to darkness I could not see the motorcycle number. I was scared at that time and went to my house. I came to the police station and submitted an application to you, please take legal action against the above mentioned unknown boys, on the basis of the application it was found to be the crime under section 3798, 341 34, and on the above mentioned application a case was registered for the above mentioned crime and the investigation of the case was carried out by SI Satbir / PPT police station.'

3. Learned counsel for the petitioner has argued that the petitioner was extended the concession of regular bail by this Court on 9.9.2020 and he was appearing before the concerned Court regularly but thereafter, could not appear as he was wrongly informed that he has been acquitted in the case. Learned counsel has further submitted that the similarly placed co-accused has been acquitted by the learned trial Court vide judgment dated 9.4.2025 passed by Additional Sessions Judge, Panipat. Learned counsel has further submitted that the petitioner has already suffered incarceration for about three and a half month after his arrest pursuant to his being absent from the trial Court. 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 12.8.2025 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 initially extended the concession of regular bail by this Court on 9.9.2020. Thereafter, on account of his being absent from trial, the petitioner was re-arrested on 24.4.2025 and is in continuous custody since then. It is not in dispute that the co-accused has been acquitted by the learned trial Court vide judgment dated 9.4.2025. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon 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.

6.1 As per custody certificate dated 12.8.2025 filed by learned State counsel, the petitioner has already suffered total incarceration for a period of about ten months. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under section 174-A of 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/Illaq 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

13.8.2025
Ashwani

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