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2025:PHHC:121903



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: September 08, 2025

Ranbir Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Krishan Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

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.24 dated 23.01.2025, under Sections 105, 115(2), 351(2), 333 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Jathlana, District Yamuna Nagar, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Statement of Sohan Lal son of Shri Pawan Kumar resident of Anabana Chowk Near Shani Mandir Jathlana, aged 42 years M.No. 94667-15217, stated that I am resident of the above mentioned address and I have a barber shop in my village Jathlana and I have two children, elder son Sahik aged 19 years and younger daughter Harman is age of 9 years. My son Sahil at around 9:00 AM as usual went from his house on his motorcycle HR92A-0642 brand Splendor to work in BIG VIG PLYWOOD factory located on Jathlana Yamunanagar Road along with his friend Mohin son of Ilyas Khan resident of Jathlana. Then after about 10/15 minutes, my son came back home on motorcycle with his friend and after coming back home my son Sahil and his friend Mohin told me that Sachin son Indrajeet, Nitin, Golu sons of unknown residents of Harijan Basti Jathlana quarreled and scuffled with us and then after some time

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Ranbir s/o Prakash, Johnny s/o Prakash, Ranbir's wife (name unknown) and Ranveer's mother, Sachin s/o Inderjeet and two other unknown persons came inside my house at about 9:30 AM and without talking to us started fighting and beating us. Johnny s/o Prakash and Ranveer's wife (name unknown) slapped, punched and beat my wife Suman Devi aged 38/39 years, on the chest with slippers. They also beat me and my son Sahil and tried to strangle my son Sahil and when we raised an alarm, the people of the neighbourhood gathered and seeing the people arriving, all the accused threatened to kill us and fled from the spot. My wife Suman died on the spot due to the injury sustained in the fight. The accused Ranbir, Johnny, Ranbir's wife, Ranbir's mother, Sachin and two other unknown people entered our house and attacked us with lethal injuries due to conspiracy in the fight between the children and inflicted injuries on us. My wife Suman died on the spot due to the injuries sustained in the fight. Strictest legal action should be taken against the above accused. I have recorded my statement, it is correct."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.01.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that FIR was registered under Section 103 of the BNS, but the challan has been presented for offence under Section 105 of the BNS. Learned counsel has further iterated that the prime prosecution witness, namely, Sohan Lal (FIR/ complainant/ husband of the deceased) has turned hostile and thus, the trial is not likely to culminate into conviction. Learned counsel has further argued that the petitioner has suffered incarceration of more than 07 months. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 08.09.2025 and reply by way of an affidavit dated 06.09.2025 of Ashish Chaudhary, HPS, Deputy Superintendent of Police, Radaur (Yamuna Nagar) in the Court today, which are taken on record. Learned State counsel; raising submissions in tandem with the said reply, opposed the grant of regular bail to the petitioner. He has iterated that other prime prosecution witnesses, namely, PW – Sahil (injured/ son of the deceased) and private prosecution witness, namely, Mohin are yet to be examined. He has further opposed the present

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petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.01.2025 whereinafter investigation was carried out and challan was presented on 18.04.2025. Total 18 prosecution witnesses have been cited, but only 01 has been examined till date. It is not in dispute that PW – Sohan Lal (FIR/ complainant/ husband of the deceased) has turned hostile. The rival contention raised at Bar give rise to debatable issues; including weightage required to be attached to the testimony of the hostile witness, namely, PW – Sohan Lal; 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 08.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 15 days, & is not shown to be involved in any other FIR(s).

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:-

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- (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

September 08, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No