



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

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**CRM-M No.42814 of 2025
Date of decision : 12.8.2025**

Labh Singh @ Lovepreet Singh**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. G.S. Sidhu, 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.12 dated 16.2.2024, under Sections 392 and 397 of the IPC (Section 201 of IPC added later on), registered at Police Station Baragudha, District Sirsa.
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 Satyender Kumar, son of Kamal Dev, Khapiya Block, Dohbi District, Gaya, Bihar, Mobile No. 9153087769. It is stated that I am a resident of the above-mentioned address and work as a labourer. I am a 12th class pass. I have been working as a salesman at the liquor vend, English and Desi sub-vend, village Biruwala Gudha for about 10 days. Yesterday, on 15-02-2024, I was talking to my family on my mobile after closing the shop. At around 10:54 PM, I was sitting inside the shop after locking it. At the same time, three young boys came on a black Splendour



Plus motorcycle and broke the gate of the shop by kicking it and entered the shop. One of the boys had a sword. As soon as I came inside, one of the boys caught me and two boys looted about 23 bottles of English liquor, about 36 bottles of Desi Malta liquor, about Rs 1000/- kept in the cabinet, my clothes bag and DVR of CCTV cameras from the shop. While leaving, the boy with the sword hit my head with the handle of his sword, due to which blood started oozing from my head. While leaving, they also took away my mobile phone brand VIVO-422, which had SIM number 9153087769. They latched the shop from the outside while leaving. They rode on a motorcycle and went towards Badagudha. All three boys had covered their faces with cloth. The names and addresses of these three boys are unknown. Strict legal action should be taken against them after finding them. Then I opened the latch with great difficulty and went to the house of landowner Bhupendra Singh, son of Malkit Singh of village Biruwalagudha, and informed him about it. He called the Sarpanch, the Sarpanch called the contractor, and the circle in charge, Harjinder Singh, Jagseer Singh, and Surendra Singh, came to me. As it was late at night, I could not get my MLR prepared. Now I have come to you at the police station. Now I have recorded my statement to you, and I have heard it, which is admitted to be correct. SD/- Satyender Kumar.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that there is no substantial evidence available with the prosecution to connect the petitioner with the crime in question. Learned counsel has further argued that the requisite TIP (Test Identification Parade) was not carried out by the prosecution which causes dent in the prosecution version. 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 11.8.2025



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 arrested on 25.4.2024 wherein after investigation was carried out and challan stands presented on 4.7.2024. Total 11 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contention raised at Bar give rise to debatable issues which shall essentially 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 11.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, three months and sixteen days. As per the said custody certificate, the petitioner is stated to be involved in four more FIRs registered under the provisions 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/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

12.8.2025
Ashwani

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