



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

228

**CRM-M No.43780 of 2025 (O & M)
Date of decision : 3.11.2025**

Vishal**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kamal Chaudhary, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.147 dated 11.10.2024 under Sections 109(1), 115, 117(2), 190, 191(3) and 351(3) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Tigaon, Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To the SHO Police Station Tigaon (Faridabad) it is submitted that I Sahil S/o Naresh is resident of Kanhiram Colony Junehda Road Tigaon. We have a car washing centre on Badrola road in the name of Adhana Car washing centre. On 02.10.2024, his younger brother namely Saurabh and Mohit at about 10.00 p.m. were coming on motoreyele to their home after closing washing centre but then our motorcycle fell on the road after skidding on the breaker. On this, street dogs started barking. Then in the meantime, the dog of Sunil s/o Balli also started barking, upon which Saurabh and Mohit scolded and chased away the dogs. Then, Sunil in the



drunken condition started abusing Saurabh and Mohit and he also started beating us. When Saurabh and Mohit resisted the beatings, then Sunil started abusing in louder voice and also called his son Vishal and brothers Monu @ Manoj and Sanju and all of them, started giving beatings to Saurabh and Mohit. I was informed about the incident by one boy and I along with my mother reached at the spot where I saw that Sunil was carrying an axe in his hand, whereas Vishal was carrying a log of cot. Sanjay was having an iron rod and all of them were giving beatings to Mohit and Saurabh. When he along with his mother tried to save Saurabh and Mohit, then another and wife of Sunil also came there carrying tava and dandas in their hands and started causing beatings to us and his mother was also assaulted by them. In the meantime, Satish along with his wife also came there and caused injuries to us. Then Manoj @ Monu brought a pistol from his home and fired a shot in the air. Accused Manoj @ Monu put pistol on my forehead upon which my mother made prayer to him and prayed for saving life of her children. They were rescued by the neighbours and the accused also threaten them with death. Then Abhay & Rohit took us to hospital. My brothers told us the whole incident after gaining consciousness which I have written in the complaint. We have danger from these people. We may be protected by them. I came before you after discharging. My 2 brothers are still admitted in hospital. They will tell about their wounds themselves. Monu and his companions again gave beatings with us on 05-10-2024. Strict action may be taken against them. Applicant SAHIL 8506012472.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 9.4.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is stated to be armed with one wooden log of cot and the injury attributed to him cannot invoke Section 109 of BNS. Learned counsel has further iterated that the petitioner is a young man aged 21 years with clean antecedents. 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 01.11.2025 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 9.4.2025 and is stated to be in continuous custody since then. Challan in the present case was presented on 22.5.2025. Total 29 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, including as to whether offence under Section 109 of BNS is made out against the petitioner; 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.

6.1 As per custody certificate dated 01.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 23 days & is not shown to be involved in any other case.

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.

2025:PHHC:151267



CRM-M No.43780 of 2025 (O & M)

-5-

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

3.11.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No