

2025:PHHC:135343



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

CRM-M-43926-2025
Date of Decision: 25.09.2025

Sanjeev alias Sanju alias Dinda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**Present:** Mr. Sanjay Verma, Advocate, for the petitioner.

Mr. Satbir Singh Goripuria, DAG, Haryana.

Mr. Namit Khurana, Advocate, for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.188 dated 19.09.2023 registered against him, under Sections 307/506/120-B/34 of IPC and Section 25 of the Arms Act, 1959, at Police Station Dhand, District Kaithal, has filed the fourth petition for grant of bail under Section 483 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Raj Kumar son of Sh. Nathu Ram, resident of village Pabnawa, District Kaithal, *set the criminal law in motion by filing a complaint pointing therein that at about 10-11 o'clock on 19.09.2023, he along with his younger son Gurmeet had left for Punjab National Bank on motorcycle (make Splendor). Sanjeev @ Sanju (petitioner) S/o Prithvi, Sunil S/o Mahinder and Ramesh S/o Arjun were intimidated by Satish S/o Chamela that two of them (complainant and his son) had gone to the bank to withdraw the money. After withdrawing the money from the account, he and his son had gone a little ahead, when suddenly a grey coloured Ritz car stopped in front of their motorcycle. Before the could react, Sanjeev*

alias Sanju (petitioner) started firing at them. His son Gurmeet suffered gunshot injury in his arm. Both of them fell down, when Sunil and Ramesh started assaulting them and suddenly snatched the cash. Immediately thereafter, the assailants sped away but not before threatening to kill both him and his son in near future. Primarily with this backdrop to catch hold of the assailants, to recover the snatched cash as also to initiate appropriate proceedings against the aforementioned persons.

On the basis of the said complaint, and medico-legal report, a formal case vide FIR No.188 dated 19.09.2023, under Sections 307/506/120-B/34 of IPC and Section 25 of the Arms Act, 1959, Police Station Dhand, District Kaithal, was registered and proceedings were set into motion. During investigation, I.O. visited the spot and took into his possession two empty shells on the road with KF 7.65 inscribed thereupon. The same were taken into possession. Blood stains etc. were also collected. Statement of the witnesses were recorded, opinion of the doctor was sought etc.

On 20.09.2023, the petitioner Sanjeev Kumar @ Sanju was arrested along with Ritz car bearing registration No.HR10V-4199 used in the commission of the offence. During interrogation, accused-petitioner Sanjeev admitted to his involvement in the incident, got recovered a country-made pistol .32 bore. Rough sketch of which was prepared, was converted in the sealed parcel and deposited with the MHC. On culmination of the investigation, challan complete in all respect, was filed in the Court on 15.01.2024.”

3. Application for grant of bail moved by the petitioner-accused was dismissed by Ld. ASJ, Kaithal vide order dated 23.07.2025. Aggrieved of the same, the present petition has been filed.

It needs to be clarified that earlier three petitions (CRM-M-25194-2024, CRM-M-31872-2024 and CRM-M-52049-2024) filed by the petitioner were dismissed by this Court vide orders dated 23.05.2024, 12.07.2024 and 18.11.2024, respectively.

4. Learned counsel for the petitioner submits that petitioner has been

falsely implicated in the present case by the complainant, only with a view to level scores. The present FIR is nothing but a counter-blast to the earlier FIR No.196 dated 21.09.2022 got registered by accused-petitioner against complainant party.

Views to FSL report falsify the case of the prosecution, in the report (FSL, Madhuban, Karnal), dated 13.03.2024, it has been opined that two empty bullet pellets recovered from the site, were not fired from the country-made pistol recovered at the instance of the petitioner. Even the gunshot residue could also not detected in the wounds swab. Taking his submission further, learned counsel contends that after filing of the challan, on 30.11.2023, even the charges has not been framed till date. On 15.01.2024, an application under Section 193 Cr.PC was moved by complainant, which has till date not been decided. When viewed in the light of the aforesaid facts, it is quite apparent that completion of trial would take lot of time, thus, further incarceration of the petitioner, who has been in custody since 20.09.2023 would not serve any useful purpose.

On the basis of the above submission, it has been prayed to take lenient view in favour of the petitioner, who undertakes to abide by all the conditions.

5. Reply dated 10.09.2025 by way of affidavit of Mr. Gurwinder Singh, Deputy Superintendent of Police (AEC), Kaithal, has already been filed by the State opposing the bail petition.

In para 6 thereof, it has been pointed out that though complainant had levelled allegations against Sunil, Ramesh and Satish, but they are not found involved in the incident. It was also pointed out that relations between the complainant and accused-petitioner are far from cordial as also that in September, 2022, complainant and his son had inflicted injuries on the present petitioner. Consequent to which, FIR No.196 dated 21.09.2022 u/s 323/325/506/34, was registered against them. Factum of petitioner being involved in two other cases

i.e. FIR No.170 dated 04.05.2021, u/s 188/270 IPC and Section 61 of the Excise Act and Section 51(B) of the Disaster Management Act, P.S. Kurukshetra University and FIR No.79 dated 05.08.2016, u/s 148/149/323/452/506 IPC and Section 3 of SC/ST Act, was also pointed out.

Complainant-respondent No.2 has also filed reply wherein apart from highlighting role of the petitioner in the present incident, it has been specifically been pointed out that earlier three petitions for grant of bail filed by the petitioner were dismissed; the last one being on 18.11.2024. There being no change of circumstances since then, dismissal of the petition has been prayed for.

Learned State counsel accompanied by learned counsel for the complainant have vehemently opposed the request for grant of bail on the ground that petitioner-accused in a pre-planned manner fired gunshots at complainant and his son. Unfortunately, one of the shots hit complainant's son, who suffered serious injuries and remained admitted in the hospital for quite some time. It has been prayed that in the light of the seriousness and gravity of the offence, questionable past antecedents of the petitioner, if extended the concession of bail, there is every likelihood of him fleeing from the process of the justice by not appearing in the Court, as also overawing complainant and related witnesses, who have till date not been examined. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and perused the documents on record.

7. Factum of relations between petitioner and complainant party being far from cordial, can be inferred from the contents of the reply dated 10.09.2025 filed by the State. It has been specifically mentioned therein that in September, 2022 complainant and his son had inflicted injuries on the petitioner, consequent to which FIR No.196 dated 21.09.2022 was registered against them. Further, so far as the present incident is concerned, though complainant had levelled

allegations against Sunil, Ramesh and Satish, but during the course of the investigations, none of the above mentioned three persons, were found involved in the incident. Questionable past-antecedents of the petitioner can also be inferred from the fact that two criminal cases (FIR No.170 dated 04.05.2021 and FIR No.79 dated 05.08.2016), have been registered against him.

Copies of the interim orders appended along with the present petition clearly reveal that after filing of the challan in November, 2023, charges have not been framed till date. In fact, application u/s 193 Cr.PC filed on 15.01.2024 still remains undecided. When viewed in the light of the facts mentioned hereinabove, the submissions made by learned counsel for the petitioner, as also taking note of the fact that petitioner has been in custody for more than 02 years, the Court is the opinion that the prospect of trial being concluded in the near future is quite remote and further detention of the petitioner would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

As regards the submission of learned State counsel with respect to the questionable past antecedents of the petitioner is concerned, suffice it would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in another cases.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) *The petitioner shall not leave the country without prior permission of the trial Court.*

- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

25.09.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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