



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

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**CRM-M No.44033 of 2025
Date of decision : 20.8.2025**

Raja Kumar @ Raja Bihari**.....Petitioner****Versus****State of UT, Chandigarh****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Dinesh Maurya, Advocate, for the petitioner

Mr. Manish Bansal, Addl. PP, UT, Chandigarh

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.34 dated 14.2.2022, under Sections 323, 147, 148, 149, 341, 452 and 506 of IPC (Sections 324, 307 of the IPC added later on) registered at Police Station Industrial Area, Chandigarh.
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 Sumit son of Sh. Sushant, # 1019, Village Dariya, Chadigarh, aged 33 years, Mobile No.9876810600. Stated that I am residing at the above mentioned address alongwith my family and I am running business under the name and style of Deep Tour & Travels at Village Dariya. Today i.e. on 14.02.2022 at about 05.30 p.m. myself with Satpal, Saisal@ Pinku, Rajeev and Baba Dev Nath, was sitting on chairs



in open space near Shri Balmiki Mandir and were taking to each other. In the meanwhile 8-9 boys came from jungle side and attacked on me. Those boys were carrying dandas, glass bottles and sword. When I was attacked by these boys, then out of them one boy gave blow of glass bottle on my head and I ran inside the Dera and when Saisal @ Pinku also tried to escape with me then the boys also attacked Pinku with glass bottle and sword. We both ran inside a room in Dera. The boys attacked on us with bricks and bottle. Seeing all this Baba Dev Nath and Satpal ran to rescue themselves. In this incident myself, Dev Nath and Saisal @ Pinku have suffered injuries. Saisal @Pinku has been taken for treatment to GMCH 32, Chandigarh in private vehicle. We have come to know the names of said boys to be Raja Bihari, Kuldeep, Paras, Mota, Rashid Billa, Pawan, Praduan, Bedi and Gopi, who all are residents of Colony No.4. Yesterday i.e. on 13.02.2022 at about 10:30 a.m. some boys had scuffle with son of my maternal aunt near Dispensary of Village Dariya and I had shooed away these boys and out of those boys of Colony No.4, one was Pardun. Pardun has attacked us on account of grudge nourished by him for yesterday's incident. These boys have threatened me of dire consequences. Legal action may be taken against above boys. Sd/- Sumit Jalvi, Dated 14.02.2022.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.4.2025. Learned counsel has further iterated that the petitioner was granted the concession of regular bail by the Sessions Court on 10.11.2022 whereafter he was regularly appearing before the concerned Court till 7.8.2024. Learned counsel has further iterated that on account of compelling circumstances of ill health of his father, the petitioner was not able to join trial proceedings and jumped the bail. He was re-arrested on 28.4.2025 and is in continuous custody since then. 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 20.8.2025 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. It is not in dispute that the petitioner was initially arrested on 16.2.2022 and was extended the concession of regular bail on 10.11.2022 and continuously appearing and facing trial till 7.8.2024. In view of the conduct of the petitioner and some plausibility available to the explanation put forth by the petitioner regarding his non-appearing before the trial Court, this Court is inclined to accept the petition in hand and grant regular bail to the petitioner.

6.1 As per custody certificate dated 20.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, one month and eighteen days. As per the said custody certificate, the petitioner is stated to be involved in multiple FIRs. 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

20.8.2025
Ashwani

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