



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

229

**CRM-M No.46719 of 2025 (O & M)
Date of decision : 3.11.2025**

Om alias Prince**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manjeet Garhwal, Advocate, for
Mr. Sahil Choudhary, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, 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.205 dated 14.9.2024 under Sections 191(3), 190, 115(2), 127(2), 121(1), 132, 109 and 351(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Barara, District Ambala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, Outpost Incharge, Barara City, Police Station Barara District Ambala. Sir, this is the request that I, ASI Balwan Singh 169 KNL, am appointed as an investigator in STF UNIT Karnal and today on 14.09.2024, as per the orders of Incharge STF Karnal, along with my fellow employees ASI Satnam Singh 116/KKR, ASI Randeep Singh



1037/KTL, came to Barara city in my private vehicle number HR05AQ4500 brand CRETA to interrogate Dalip alias Vicky son of Ratan Singh resident Barara, who has a criminal record, in connection with illegal arms supply. As per the information, I and ASI Satnam reached the residential house above the liquor shop and introduced ourselves to Dalip alias Vicky son of Ratan Singh resident of Barad by showing our police identity cards and started questioning him. Then Vicky's sons Happy, Prince, Manav, Om and landlord Kushal Pal Chauhan also arrived there. They gathered many people from here and there. Then suddenly Vicky took out a knife from the bed drawer and attacked me with the intention of killing me. I showed alertness and moved aside to avoid Dalip's attack and the knife went through my shirt. Then ASI Randeep also came up from below and started recording on his mobile. Happy, son of Dalip alias Vicky snatched ASI Randeep Singh's mobile phone and threw it away. After this, Happy, Prince, Manav and Kushal Pal along with several other boys attacked me and tried to snatch my official pistol.

When ASI Randeep Singh tried to snatch the knife from Dalip Singh alias Vicky, Happy, Prince, Manav and Kushal Pal pounced upon him and hit ASI Randeep Singh and me with rods and sticks. After this, Kushal Pal said to set the car parked below on fire. My fellow employee ASI Satnam Singh, showing his skill, went down and parked the car at a safe place. Dalip, threatening to implicate the police party in a false case, started hitting his own body with the knife he was holding in his hand. When I tried to snatch the knife from Dalip by risking my life, his son Happy handed another knife to his father Dalip. After this, Dalip stabbed himself several times with the knife in his hand. Prince, Manav, Happy and Kushal Pal forcibly took Dalip away from there and when I and ASI Randeep Singh chased him to control him, Happy son of Dalip locked the gate below the house from outside and held the police party hostage. Happy along with his companions threatened to kill the police party. After which ASI Randeep Singh and ASI Satnam Singh called for police assistance, on which local police personnel and ERV DIAL 112 came to the spot and took me and ASI Randeep Singh out from there. After which I and ASI Randeep Singh got ourselves treated in the government hospital and got our MLR done. I request you that Dalip, Happy, Manav, Prince, Kushal Pal and other 20/25 people attacked the police party with the intention to kill, obstructed government work, attempted suicide, By making the arrested



suspect escape and holding the police party hostage, a serious crime has been committed for which action should be taken under appropriate sections of the Indian Penal Code. MLR is enclosed. SD- Balwan Singh ASI Balwan Singh 169 KNL, STF UNIT Karnal Date- 14.09.2024.'

3. Learned counsel for the petitioner has urged that the petitioner is in custody since 2.1.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the only injuries given to the injured-side are simple in nature. Learned counsel has further urged that the offence under Section 109 of BNS is not made out against the petitioner in the factual *milieu* of the case. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Inspector Dharamvir, SHO, PS Barara, District Ambala in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

4.1 Raising submissions in tandem with the said status report, 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 14.9.2024 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 2.1.2025 wherein after investigation was carried out and challan stands presented on 25.2.2025.



Charges in the present case were framed on 1.3.2025. Total 17 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 of learned counsel for the parties; as to whether offence under Section 109 of BNS has been made out from the factual matrix of the case in hand 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 learned State counsel (on instructions from SI Vijay), the petitioner has already suffered incarceration for a period of 10 months and is stated to be involved in other cases/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/Illaq 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.

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

(SUMEET GOEL)
JUDGE

3.11.2025
Ashwani

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