



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

225

**CRM-M No.47286 of 2025
Date of decision : 2.9.2025**

Bhim Sain**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Aditya Sanghi, Advocate and
Mr. Himanshu Garg, 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.429 dated 27.6.2024, under Sections 346, 302, 201, 120-B, 212, 34 and 404 of IPC, registered at Police Station Rania, District Sirsa.

2. The FIR in question was lodged by the complainant namely Inder Singh, who alleged that he was having partnership in a liquor business at village Kharian, Tehsil Rania, District Sirsa with deceased Rajender son of Mahavir, resident of village Neemla, Tehsil Ellenabad, District Sirsa. On 26.06.2024, at around 12:00 midnight, his co-partner namely Rajender was taken on a motorcycle by cousin of accused



Dharmender Karir, resident of village Kharian, Tehsil Rania, to the residence of Dharmender Karir. It was further alleged that at approximately 01:13 a.m., the complainant had called Dharmender on his mobile requesting that his co-partner namely Rajender be sent back. Accordingly, the said Dharmender assured the complainant that he would drop his co-partner Rajender at the shop within 10 minutes. However, immediately, thereafter, both the phones i.e. one of accused namely Dharmender and the second of his co-partner namely Rajender were switched off and there had been no information about his co-partner namely Rajender since then. It was further alleged by the complainant that the said Dharmender was in possession of a Bolero Camper vehicle and the CCTV footage from Bacher Petrol Pump shows that the said vehicle was heading towards Rajasthan. The complainant has strong apprehension that his partner has been abducted and is being wrongfully confined by the aforementioned accused. On these set of allegations, instant FIR was registered and investigation ensued.

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 the prime allegation available against the petitioner is in the shape of a confessional statement of co-accused namely Dharmender; statement made by father of the deceased at the time of inquest proceedings. Learned counsel has pointed out that the petitioner was arrested on 13.7.2024 and as many as 55 prosecution witnesses have been cited thereby rendering the likelihood of an early conclusion of the



trial highly improbable. Learned counsel has emphasized that the co-accused namely Sonu, Sandeep Kumar, Anil @ Rinku, Monika and Bhajan Lal have already been extended the concession of regular bail by the trial Court vide orders dated 01.10.2024, 03.10.2024 and 23.07.2024 respectively and the accused Virender @ Pawan vide order dated 12.8.2025. Thus, on the ground of parity alone, the petitioner is entitled to be released on bail during the pendency of trial.

On strength of the aforesaid submissions, the grant of regular bail is entreated for.

4. *Per contra*, 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.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 13.7.2024 wherein after investigation was carried out and challan stands presented on 24.9.2024. Total 55 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that culmination of the 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. It is not in dispute that co-accused namely Jagtar Singh and Harjinder Singh @ Harwinder Singh @ Binder, Virender alias Pawan have been extended the concession of regular bail by this Court vide orders dated 04.04.2025 passed in CRM-M-11632-2025 and CRM-M-55014-2024, order dated 12.8.2025 passed in CRM-M No.22262 of 2025 respectively, which orders, as per the admitted position before this Court, have not been challenged by the rival parties. It is not in dispute that the petitioner is in custody in the present FIR since 13.7.2024.

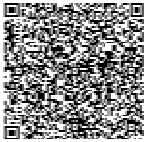
6.1 As per custody certificate dated 1.9.2025 placed on record by the learned State counsel, the petitioner is stated to be involved in two more FIRs registered under Section 379/411 of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition 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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits



thereof.

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

2.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No