



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

245

CRM-M No.49939 of 2025 (O & M)
Date of decision : 11.9.2025

Anuj and others**Petitioners**
Versus
State of Haryana and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pankaj Bali, Advocate, for the petitioners

Mr. Deepak Grewal, DAG, Haryana

Mr. Keshav Pratap Singh, Advocate, for respondent no.2

SUMEET GOEL, J. (ORAL)

1. The substantive prayer made in the petition reads thus:

'It is therefore, most respectfully prayed that the present petition may kindly be allowed and the relief of regular bail may kindly be granted to the petitioner in case FIR No.237 dated 7.7.2025 under Sections 118(1), 115, 190, 191(3), 351(2) of BNS, 2023, registered at Police Station Kunjpura, District Karnal (Annexure P-1), in the interest of justice.'

2. At the outset, learned counsel for the petitioners has argued that the petitioners are indeed seeking bail in the cross-version bearing GD No.13 dated 1.8.2025 registered at Police Station Kunjpura, District Karnal, but inadvertently, in the prayer made in the petition, bail has been sought for in the FIR case. Learned counsel has iterated that the petitioners (herein) are actually from the complainant-side in the said FIR and they are seeking bail in the GD case.



3. Keeping in view the totality of the factual *milieu* of the case in hand, especially the petitioners being in custody and the present petition is for grant of regular bail, oral request of learned counsel for the petitioners is accepted.

4. The case set up in the GD No.13 dated 1.8.2025 in question (as set out in the present petition by the petitioners) is as follows:-

'G.D. Brief (Daily Diary Brief): It is recorded at this time that 1, Station House Officer, Police Station Kunjpura, am present at the Police Station when case file of FIR No.237 dated 07.07.2025, under Sections 109(1)/115/190/191(3)/351(2) BNS and 25-54-59 Arms Act of Police Station Kunjpura, District Karnal has been received at the Police Station after verification from the office of Deputy Superintendent of Police, Nilokheri, Karnal, on perusal of which it has been found that in relation to the above case, the accused party Rajinder son of Shri Bhopal Singh, resident of Baragaon, District Karnal had presented a complaint No.5358-Peshi dated 17.07.2024 while appearing before the Superintendent of Police regarding assaulting by complainant party of the case with sharp weapons, Gandasa, beating and threatening to kill. As per the order of the Superintendent of Police, Karnal, the investigation of this complaint was carried out by Mr. Mahabir Singh, H.P.S., Deputy Superintendent of Police, Nilokheri, Karnal. After investigating the complaint No.5358-Peshi dated 17.07.2024 and verifying the facts in the above mentioned case, Mr. Mahabir Singh, H.P.S., Deputy Superintendent of Police, Nilokheri, Karnal, date, time and place of incident of the fight being same, has ordered in his Zimni to register a cross-case against the complainant party in the case. As per the instructions given by the concerned officers, on the complaint No.5358-Peshi dated 17.07.2024 of the complainant Rajinder son of Shri Bhopal Singh, resident of Baragaon. District Karnal, proceedings to register a cross-case be entered in the Daily Diary Report and to take action against the accused Ravinder son of Shri Prem, Saurabh son of Shri Prem, Anuj son of Shri Rajpal, Arun son of Shri Rajpal, Shubham alias Vippu son of Shri Rajesh alias Khanni, Sachin alias Kaliya son of Shri Kanwarpal, Vinay son of Shri Kiranpal, Mohit son of Shri Shishpal, Dhiraj son of Shri Munshi Ram, Azad son of Shri



Surender, residents of Baragaon, District Karnal, under Sections 191(3)/190/115(1)/118(1)/351(2) BNS. This report is being sent for further investigation to Investigation Officer Sub Inspector Mukesh Kumar, Special Detective Unit, Police Station Kunjpura, District Karnal, in FIR No.237 dated 07.07.2025, under Sections 109 (1)/115/190/191(3)/351(2) BNS and 25-54-59 Arms Act, Police Station Kunjpura, District Karnal.'

5. Learned counsel for the petitioners has argued that the petitioners are in custody since 11.8.2025. Learned counsel has further argued that the petitioners have been falsely implicated into the FIR in question. Learned counsel has further argued that the case in hand is one of version and cross-version. Learned counsel has further argued that no further recovery is to be effected from the petitioners. Thus, regular bail is prayed for.

Vakalatnama filed on behalf of respondent no.2, is taken on record.

6. Learned State counsel as also learned counsel for the complainant have opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioners does not deserve the concession of the regular bail. Learned State counsel seeks to place on record separate custody certificates dated 9.9.2025 in Court, which are taken on record.

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

8. The petitioners were arrested on 11.8.2025. Culmination of investigation of the case as also the trial emanating therefrom, in case occasion so arises, will take its own time. The rival contentions raised by



learned counsel give rise to debatable issues which shall 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 petitioners absconding from the process of justice or interfering with the prosecution evidence.

8.1 As per custody certificates dated 9.9.2025 filed by learned State counsel, all the petitioners have already suffered incarceration for a period of 28 days.

As per the respective custody certificates, petitioner no.1- Anuj is not shown to be involved in any other case; whereas petitioner no.2- Azad is shown to be involved in one more case; and petitioner no.3-Mohit is shown to be involved in 3 more 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.

9. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on their 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 petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any, with the trial Court.
- (vi) The petitioners shall give their cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

10. 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.

- 11. Ordered accordingly.
- 12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 13. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

11.9.2025
Ashwanii

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