



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-50622-2025 (O&M)
Date of decision: 06.11.2025

Sanjay @ Bhola

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gaurav Sharma, Advocate for the petitioner

Mr. Rakesh Kumar Jangra, AAG, Haryana

Mr. Saurabh Dalal, Advocate for the complainant
(Through Hybrid Mode)

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.81 dated 28.03.2021, registered under Sections 302, 201 and 34 IPC and 25 of Arms Act at Police Station Dujana, District Jhajjar.
2. Learned counsel contends that the petitioner has been in custody for more than 4 years. There are allegations against 3 persons including him to have fired with no specifics. Co-accused Ravi alias Jangli has since been granted regular bail by this Court vide order dated 27.08.2025, Annexure P-7. Charges were framed wayback on 08.07.2022 and 13 including all material witnesses, out of 34 PWs stand examined. The petitioner is convicted in 1 case under Arms Act and has undergone the sentence, while in 1 FIR, wherein Sections 307 and 325 IPC were added later, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi**



vs. State of U.P. and others, 2012(2) SCC 382.

3. The custody certificate dated 04.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 4 years and 13 days.

4. Learned State counsel as also learned counsel for the complainant oppose the bail on the ground that there are specific allegations against the petitioner of having fired along with co-accused and one revolver was recovered from him. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail, the petitioner being on bail in other case and undergone the sentence in another.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 years and 13 days; on bail in other case; co-accused is on bail; charges have been framed wayback on 08.07.2022, however, 21 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.



8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and 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 will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of 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 by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.
- (x) The petitioner shall also report to the concerned Police Station on the 1st of every month.

9. It is made abundantly 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.

10. In view of the above, it is clarified that the observations made herein



above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

06.11.2025
M.Kamra

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