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2025:PHHC:127871



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: September 16, 2025

Sanjay

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Tarun Kumar Hooda, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail
to the petitioner in case bearing FIR No.182 dated 22.06.2025, registered for
the offences punishable under Sections 115, 115(2), 126, 126(2), 351(3),
3(5), 109(1) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and
Sections 25, 54, 59 of the Arms Act, 1959 (for short ‘Arms Act’) [Sections
115(2), 126(2), 109(1) of the BNS and Sections 25, 54, 59 of the Arms Act
added and Sections 115, 126 of BNS deleted later on], at Police Station
Narnaund, District Hisar.

2. The gravamen of the allegations against the petitioner is that
complainant, namely, Raj Kumar had stated that on 21.06.2025, at about
12:30 p.m., he along with others was present in the fields. Pardeep, a distant

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relative, owns land adjoining the complainant's fields. On that day, Sonu (his uncle) had an altercation with Pardeep, who demolished the wall of their fields with the help of a tractor which was driven by Aman. The situation, however, was defused with the intervention of other persons. Later, in the evening, at around 7:00 p.m., Raj Kumar, his uncle Sonu, and their friends Aaksh and Sonu (resident of Rohtak) went to their fields on a motorcycle bearing registration No.HR86B7252. They remained there for about 4–5 hours and returned home around midnight. At that time, Sonu (resident of Rohtak) requested the keys of the motorcycle, as he had left his mobile phone in the fields. Raj Kumar handed over the keys to him. When Sonu reached the house of Anil (son of Sanjay), Anil intercepted him and struck a *danda* blow on his right shoulder. Consequently, Sonu left the motorcycle there and returned home to narrate the incident. On learning about it, Raj Kumar's sister Priyanka and uncle Sonu went to Anil's house to recover the motorcycle, but Anil refused to return it. Thereafter, Raj Kumar also went to recover the motorcycle, and upon his request, Anil threatened that they would not miss the opportunity to eliminate their enemies. Saying so, Anil fired a gunshot at Raj Kumar, but he managed to retreat and narrowly escaped. Immediately thereafter, Sanjay (petitioner herein), father of Anil, arrived armed with a pipe and struck a blow on Raj Kumar's right waist. Soon after, Aman and Pardeep also came from Anil's house and assaulted his sister Priyanka and uncle Sonu, causing injuries. On hearing the commotion, local residents gathered at the spot and rescued them.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 27.06.2025. Learned counsel has argued that the

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petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that it was long impending rivalry between the petitioner side and the complainant side, which has led to registration of the false FIR in question. Learned counsel has argued that, assuming *arguendo*, the prosecution version is taken to be correct, the fire shot which has invoked the provision of Section 109 of the BNS is not attributed to the petitioner, but to the co-accused, namely, Anil alias Bana. Learned counsel has further argued that the only allegation against the petitioner is that he has caused injury with iron pipe on the right side ribs of one injured, namely, Raj Kumar (complainant). Learned counsel has argued that the petitioner is a man with clean antecedents. Learned counsel has also iterated that the petitioner has suffered incarceration of more than 02 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 15.09.2025 in the Court today, which is taken on record.

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 27.06.2025, whereinafter, the investigation was carried out and the challan has been presented on 20.08.2025. It is not in dispute that total 17 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at

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Bar 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 15.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 18 days, & is not shown to be involved in any other FIR(s).

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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 16, 2025
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No