



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

229

CRM-M-53348-2025

Date of decision : 11.11.2025

KRISHAN

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Mr. S.K. Tripathi, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 191(3), 190, 287, 111, 115(2), 126(2), 351(2), 324(5), 333, 109(1), 117(2) BNS and 27(1) Arms Act, the FIR No.294 dated 09.09.2024, has been lodged in Police Station Pataudi, District Gurugram. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Gopal son of Mahinder Singh, hereinafter being referred to as complainant. It was stated by above-named complainant that on 09.09.2024 at about 12:00 night-1:00 A.M., he alongwith



his friends, namely Deva and Sagar etc. was going to Heli Mandi in a white colour Swift car of Deva, and that they were at a distance of 300 meters from Heli Mandi, one Scorpio and one Thar vehicles came from opposite direction and forced them to stop their car. According to complainant 8-10 persons alighted from both the vehicles, one of whom was Krishan son of Arjan his co-villager. It was further stated by the complainant that Krishan was holding a weapon in his hand, whereas other persons were holding sticks and steel bars and that they all launched an attack upon him and his friends, and inflicted injuries on their persons with the help of their respective weapons. It was further alleged by the complainant that he had suffered injuries on his hands, legs & head, and that to save his life he ran into the neighboring fields. According to complainant, thereafter Krishan fired gun-shots towards him and also gave a threat to kill. It was further alleged by the complainant that thereafter the above-mentioned assailants damaged their vehicle and fled from the spot.

3. It is the case of the prosecution that on the basis of above-mentioned statement formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation, the petitioner was arrested and he is in custody since then.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is innocent, who has been falsely implicated in the present case. The learned counsel for the petitioner has also contended that the petitioner has already suffered long incarceration for being in custody for a period of more than one year and one month and that in the present case the trial is not progressing



properly as not even a single witness has been examined so far. As per learned counsel for the petitioner nothing is left to be recovered from the possession of petitioner and that 05 co-accused have already afforded the benefit of bail.

6. In addition to above, it has also been argued by learned counsel for the petitioner that petitioner is a person, who is not trustworthy. According to learned counsel for the petitioner on 01.09.2025, the petitioner had sworn an affidavit, wherein he had specifically mentioned that name of the petitioner was mentioned in the FIR on account of some misconception. According to learned counsel for the petitioner in view of above-mentioned affidavit, sworn by the petitioner the entire prosecution case stands demolished and therefore, also the petitioner is entitled for the benefit of bail.

7. The above-mentioned arguments of learned counsel for the petitioner have been controverted by learned State counsel, being assisted by learned counsel for the complainant. The learned counsel for the complainant has contended that the complainant himself is present in the Court, and that the affidavit being relied upon by learned counsel for the petitioner cannot be taken into consideration, as the above-mentioned affidavit was sworn by the complainant because he was pressurized and threatened of dire consequences by the petitioner. In order to substantiate his allegations, the learned counsel for the complainant has placed on record the photocopy of screen-shots of the mobile phone of complainant, which shows that on 07.11.2025, 08 calls were made from the landline number installed in District Jail Gurugram.

8. In addition to above, it has also been contended by learned counsel for the complainant that the allegations against the complainant are of serious nature and his name specifically finds mentioned in the FIR. According



to learned counsel for the complainant the petitioner is a person, who has a very long criminal history and already facing trial in 17 other cases, and that he is already convicted in 03 cases. It has also been highlighted by learned counsel for the petitioner that various cases in which the petitioner has been booked and convicted ranges from offence of theft up to robbery, dacoity and murder. It has also been pointed out by learned counsel for the complainant that in addition to above, the petitioner has been prosecuted in more than 15 other cases also, wherein he stands acquitted. According to learned counsel for the complainant, if the petitioner is released on bail there will be a potential threat to the life of the complainant, and the petitioner will force the complainant to depose in his favour during he course of trial.

9. The learned State counsel while supporting the arguments of learned counsel for the complainant has contended that the long criminal history of the petitioner in itself makes it clear that he is a person, who if released on bail will definitely pressurize the complainant to enter into compromise with him, which amounts to tampering of evidence. The learned State counsel has also argued that the above-mentioned endeavour on the part of petitioner is already reflected from the fact that he procured an affidavit of complainant in his favour, placed on record today.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case firstly the petitioner is in custody for a period of one year and one month only. The above-said period cannot be termed to be a very long period of incarceration, and does not amount to delay in trial. Secondly the effort of the petitioner leading to affidavit dated 01.09.2025, referred above, in itself speaks volumes

that the petitioner is already making all out efforts to influence the witnesses and tamper with the evidence. In such circumstances, in my considered opinion, at this stage when the statement of private witnesses is yet to be recorded in this case, the release of petitioner on bail may result into miscarriage of justice. Thus, it is hereby held that instant case is a case, wherein any ground for release of petitioner on bail is not made out. Hence, the instant petition for bail is hereby dismissed, accordingly.

12. However, before parting way from this order, it is relevant to mention that during the course of hearing of this petition, it has been alleged by learned counsel for the complainant that from the landline number installed in the premises of District Jail Gurugram, the complainant had been receiving threatening calls. If the above-mentioned allegations is true then it is a very serious matter, which requires through probe. Hence, it is hereby ordered that the copy of this order be forwarded to Director General of Police (Prisons) with a direction to get the matter enquired by a senior ranking responsible officer, and take appropriate action against the erring officer(s)/official(s).

(SURYA PARTAP SINGH)
JUDGE

11.11.2025
vipin

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