



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

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**CRM-M No.53450 of 2025
Date of decision : 25.9.2025**

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

Present: Mr. Bhisham Kumar Majoka, Advocate, for the petitioner
Mr. Deepak Grewal, DAG, 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.93 dated 4.8.2025, under Sections 191(2), 191(3), 190, 109(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Tigaon, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, The SHO Sahib, Tigaon Faridabad, Sir, I request that I am Manish Kaushik son of Ramkishan Kaushik resident of village Junheda Faridabad and do a private job in Noida Uttar Pradesh. About three years ago, I and my younger brother Shrikant used to go to gym for exercise of Gaurav son resident of village Atali Fridabad. At that time, Pradeep resident of village Bahadurpur also used to go to Gaurav's gym for exercise. At that time, Gaurav and Pradeep had a fight over exercising in the gym. Due to that, Gaurav and Pradeep stopped talking to each other. After that, Pradeep



became a friend of me and my brother Shrikant and started living with us and we stopped going to Gaurav's gym. Yesterday, on 03/08/25, it was my birthday, at around 11:50 PM, my brother Shrikant and Abhishek resident of Jawahar Colony Faridabad and Sumit and friend Pradeep resident of village Bahadurpur went to celebrate my birthday in Saini Baba village Atali, we all were eating food at Saini Dhaba. At that time, suddenly Ankit son of Mahendra or Gajendra and Tiger or two-three other boys came to the Dhaba and as soon as they arrived, Tiger, Ankit and Gajendra started arguing and abusing my friend Pradeep regarding an old quarrel with Gaurav. We did not want to fight with them. At that very time, I and my brother Shrikant and all the friends came to my house in village Junheda from Dhaba on their motorcycles. After which Gaurav called me on my mobile phone and Gaurav started abusing me on the phone and threatening me that he will teach me a lesson. He said that he was coming to my house right now to teach me a lesson. I got scared of Gaurav's threat and called my friend Akshay Adhana resident of village Tigaon and Lalit resident of village Badraula to my house. At around 12:40 in the night, I heard a loud noise and abusive language outside my house. I went out of the house with my brother and friends and saw that al Scorpio, Hyundai Ora, Swift cars were parked at some distance from my house. Gaurav along with his friends Ankit son of Mahendra, Dinesh son of Mahesh, Krishna son of Birsingh and Rihan and Rizwan son of Nijarshah and Rizwan's brother-in-law and two-three other men, residents of village Atali were standing on road. Gaurav and the two-three men who came with him had weapons in their hands and the rest had sticks in their hands. On seeing my friend Pradeep and me, Gaurav told his friends that today Shaale Manish and Pradeep should not be left alive. On saying so, Gaurav and his friends fired direct shots from the weapons in their hands on me, my brother Shrikant and friend Pradeep with the intention to kill us. We all saved our lives by lying down on the ground and out of fear, we all ran inside our house and I informed the police for help. Before the police could arrive, these people fled from the spot after threatening to kill us. I have now appeared at the police station and submitted an application against the accused. I request you to take the strictest legal action against the accused. SD Manish Kaushik Applicant Manish Kaushik son of Ramkishan Kaushik resident of village Junheda Faridabad dated 04.08.2025 9540690015.'



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.8.2025. Learned counsel has further argued that, assuming *arguendo*, the prosecution version (as available today) is taken to be correct, the role ascribed to the petitioner is that he was only in the company of the co-accused who is allegedly fired. Learned counsel has further argued that the said fire shot has not hit anyone. Learned counsel has further argued that offence of Section 109 of BNS is not made out against the petitioner from the factual *milieu* of the case in hand. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. 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. Learned State counsel seeks to place on record custody certificate dated 24.9.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 5.8.2025. 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 petitioner absconding from the process of justice or interfering with the prosecution evidence.



As per custody certificate dated 24.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 month and 20 days & is not shown to be involved in any other case.

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.

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

25.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No