

CRM-M-54352-2025

2025:PHHC:160094



114+219
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-54352-2025

Virender Kumar @ Brinder Singh @ Kaka
....Petitioner
Versus
State of Haryana
....Respondent

Date of decision: November 18, 2025
Date of Uploading: November 18, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lalit Sharma, Advocate,
Mr. Anshul Sharma, Advocate and
Ms. Vanshika Sharma, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.12 dated 16.02.2024, registered for the
offences punishable under Sections 392, 397 & 201 of the Indian Penal Code,
1860 (for short ‘IPC’), at Police Station Baragudha, District Sirsa.

2. The gravamen of allegations against the petitioner is that
complainant, namely, Satender Kumar, stated that for the past ten days he had
been working as a salesman at the English and Country Made Liquor Vend
located in Village Biruwala Gudha. On 15.02.2024, while he was inside the
vend speaking on his mobile phone after having closed its gate, at about 10:54
PM, three young boys arrived on a motorcycle. They forcibly broke open the

CRM-M-54352-2025

gate and entered the vend. One of the boys was armed with a sword and caught hold of the complainant, while the other two committed robbery by taking away 23 bottles of English liquor, 36 bottles of country-made liquor, ₹1,000/- from the cash box, the DVR of the CCTV camera, a bag containing his clothes, and his Vivo-422 mobile phone containing SIM No.91530-87769. While leaving, the boy armed with the sword struck the complainant on the head with the handle of the weapon, causing bleeding. Thereafter, the accused persons bolted the door from the outside and fled from the spot on their motorcycle. All of them had their faces muffled.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 25.04.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that there is no substantial evidence available with the prosecution to connect the petitioner with the crime in question. Learned counsel has further argued that the requisite TIP (Test Identification Parade) was not carried out by the prosecution, which causes dent in the prosecution case. 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 thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 17.11.2025, 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 25.04.2024, whereinafter, the investigation was carried out and the challan has been presented on 04.07.2024.

Total 11 prosecution witnesses have been cited, out of which, only 03 have

CRM-M-54352-2025

been examined till date. Culmination of trial, of-course, will take its own time. The rival contentions raised at 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 17.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months & 24 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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 undertrial is not warranted in the factual milieu 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

CRM-M-54352-2025

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(s), if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number(s) to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number(s) 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.

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

(SUMEET GOEL)
JUDGE

November 18, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No