



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

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**CRM-M No.58592 of 2024
Date of decision : 17.7.2025**

Dilkhush**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Chander Pal Tiwana, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, 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.289 dated 2.7.2024, under Sections 287, 351(2) of the BNS, 2023 and Section 25/54/59 of Arms Act, 1959 (Sections 61(2), 238-C, 111(3) of BNS, 2023 added later on), registered at Police Station Nissing, District Karnal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To Mr. SHO Sahib Ji, Police Station Nisang Karnal, I request that I am Rajesh Kumar S/O Kuldeep Singh resident of Gandh, today dated 1/7/24, I was working at my shop when some unknown persons fired bullets at my shop and ran away. The unknown persons were on a Splendor bike, all three persons were wrapped in black cloth. There was a lethal attack on me. I survived because I was inside the shop, Sir. The person involved in



this is Karanmohadi S/O Diwan Singh, a resident of Mohdi village, who lives in Austria and who is doing my recce and informing, who is getting the attack done. I am Monu S/O Ramphal, a resident of Aughad, his brother Pankaj S/O Ramphal, who is staying in the village and getting all this done. The bullets that were fired at my shop, I was told by the people in the shop in front of mine that bullets have been fired at you, Sir, because I was inside, the bullet shells were found outside, which were found lying on the road, Sir, you should take action in this as soon as possible. The footage of the shells that I picked up is in the camera. Applicant 9728734632 Rajesh Kumar SD RAJESH KUMAR Police Action On 01.7.2024, information was received at Bajaria telephone police station that shots were fired at the bus stand in village Augand, upon which ASI along with HC Swadesh Kumar no. 1328 in government vehicle along with driver SPO Balwan no. 316 reached the spot where complainant Rajesh Kumar son of Kuldeep Singh resident Augandh district Karnal presented his above mentioned written complaint, which on the gist of the complaint, crime under sections 287,351 (2) BNS was found to have occurred, after writing an article, the case is being sent to the police station of HC Swadesh Kumar no. 1328, after registering the case, inform about the case registered number or send a special report of the case to the higher officials by email to Bajaria scene of crime team, cyber team or managing officer police station. I want to send ASI for investigation. Today place of incident Bus stand Augandh Colonel Singh ASI Police Station Nissing Karnal Date 027 2024 01.00 AM Today it is registered that SI Dayanand Singh is present at the police station that a written complaint has been received at the police station by ASI Colonel Singh, in which plaintiff Rajesh Kumar son of Kuldeep Singh resident of village Augandh against Kazanmehdi S/O Diwan Singh village Mohdi, Monu S/O Ramphal, Pankaj S/O Ramphal residents of village Augandh regarding firing in the air to scare and threaten the above plaintiff, upon receipt of FIR Si Swadesh 1328 at the police station, regular case no. 289 dated 02.7.2024 under sections 287,351(2) BNS Police Station Nising is registered and is being sent to the service of officers. Copy of the original complaint is being sent to the personal investigator of Arinda along with the police. Special report of the case is being sent to Bajaria by email. being sent to higher authorities.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 11.7.2024. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the prime allegation levelled against the petitioner are harbouring with co-accused Rajender Kumar @ Rajinder @ Kala. Learned counsel has further submitted that the prosecution version, as put up in the challan does not have sufficient evidence so as to culminate conviction of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Meena Kumari, HPS, DSP, Women Safety, Karnal has been filed in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Learned State counsel, while raising submissions in tandem with the reply filed today, has opposed the grant of regular bail to the petitioner. Learned State counsel seeks to place on record custody certificate dated 16.7.2025 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 11.7.2024 whereinafter investigation was carried out and challan stands presented on 3.10.2024. Total 19 prosecution witnesses have been cited out of which only 3 have been examined. It is thus indubitable that culmination of trial will take its own time. 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. It is not disputed at the Bar that the petitioner is at parity with co-accused Rajender, who has been granted regular bail by this Court vide order dated 15.1.2025 passed in CRM-M No.41768 of 2024.

6.1 As per custody certificate dated 16.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about one year. As per the said custody certificate, the petitioner is stated to be involved in another FIR No.346 dated 9.8.2014, under Sections 365, 342, 376, 376(2)(D), 509 of IPC and Section 3 of SC/ST Act, registered at Police Station Butana, District Karnal. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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

17.7.2025
Ashwani

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