

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

2025:PHHC:163993



(288)

CRM-M-59854-2025

Date of decision: 26.11.2025

Date of uploading: 26.11.2025

Surjeet

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Punit Verma & Ms. Srishti, Advocates for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 on behalf of the petitioner for grant of regular bail in case bearing FIR No.66 dated 24.04.2023, registered for the offences punishable under Sections 328, 34, 379, 411 IPC at Police Station Dhand, District Kaithal.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Respected SHO Sir, PS Dhand, it is humbly prayed that, I Sumer Singh S/O Mangat Ram resident of village Dadwana, age 62 years, education 8th class, mobile number 94678-66777 states that I am resident of the above said address and retired from Electricity Department Haryana. On date 21.04.2023 at about 1.00 PM I went from my house village Dadwana to PNB branch Dang for withdrawing money. I had with me and my son

Rakesh's bank passbook. I withdrew ₹5000 from my bank account and got the entry done in the bank passbook. When I get the entry done, I started to move out from the bank, then two boys came out from the bank following me and started saying to me that Uncle we have to go to railway station. I said that railway station is a little distance away. Then they said that Uncle now there is no time of train. Then, They said to me Leave us at the bus stand we have come from outside, we don't know where the bus stand is I said, You go through the main market and you will reach the bus stand Then both boys said, Uncle, we are hungry, please tell us some hotel. I said, Hotels are also in the market. On this, both boys started requesting that We don't know, please drop us On their repeated request, I started walking with them, After walking a few steps, they said Uncle we want to drink tea. Then they took tea from one shop. I was standing behind them. Both boys mixed something in the cigarette and smoked, and in one cigarette they mixed something and gave it to me also. I refused but both boys said, "You helped us please smoke a little On their repeated saying, I smoked the cigarette. After that, both boys said Uncle come with us, follow us. After that, I don't know what happened to me. When I regained consciousness, I was lying on a bed in Kapil Chawla Hospital, Karnal. My brother Lilu Singh and my son Sunil were with me. My brother Lilu Singh has a shop in the name of Veet House near PNB bank on the road. My brother Lilu Singh told me that around 4 o'clock you were coming from outside Babarhi Chowk side staggering. I and your son Sunil took you to the government hospital Kaithal for treatment. There, the doctor gave you first aid treatment and referred you to Kapil Chawla Hospital Karnal, where my treatment is continuing. My son Sunil searched my clothes but nothing was found. When I was withdrawing money from the bank, I had my Samsung M-11 mobile having SIM number 92558-78012 (Jio company) and ₹5000 cash in my pocket which I withdrew from the bank, and ₹300 in the shirt pocket and both bank passbooks were also in the shirt pocket all these things were missing. Unknown two boys mixed some intoxicating substance in the cigarette and made me unconscious and stole my ₹5300, mobile, and both bank passbooks. Today, on dated 24-04-2023, after getting discharge

from hospital, I came to my home village Dadwana, where I gave you my written statement which I have read and understood, and it is correct. On date 21.04.2023 late evening, through phone from PP GH Kaithal, information was received in the police station that one Sumer Singh S/O Mangat Ram resident of Dadwana has become unconscious due to inhaling some intoxicating substance and is admitted in the hospital. For proceedings, I/O was sent Due to non-availability of time, no action could be taken that day. After that, on 22.04.2023, I, ASI with accompanying staff, reached Government Hospital Kaithal and obtained the medical record and MLR of the victim, and after writing a separate report, produced the victim before the doctor for recording statement. The doctor mentioned on the referral that the victim is referred to higher center. From the doctor, a forwarding letter addressed to The Director FSL and gastric lavage sample and 3 ml blood sample (sealed with CH-KTL seal) were taken. Both sealed samples with CH-KTL seal were brought back to the police station, report was recorded in the daily diary, and samples along with forwarding letter were handed over to MM of the police station for dispatch to FSL Madhuban. Regarding the victim, on 23.04.2023, information was obtained through phone that he is admitted in Kapil Chawla Hospital Karnal, and on reaching there, when statement was to be recorded, the doctor declared the victim unfit for statement. After that, on 24.04.2023 I, ASI with lady constable Sunita No. 1133, proceeded from police station Dhand for recording statement of victim. When reached Dhand bus stand, contacted victim's son on mobile who told that his father has been discharged from hospital and they have reached their house village Dadwana. You can come to our house and record his statement. On this information, I, ASI with lady constable Sunita 1133/KTL, reached the house of victim village Dadwana and recorded the above statement of victim which the victim read, understood, and found correct, and signed in Hindi, which I have attested. From the above statement of victim and MLR No. SK/268/KTL/2023, offence under sections 328, 379, 34 IPC is found to have been committed. For registration of FIR, lady constable Sunita 1133/KTL is being sent to police station. After registering the FIR, inform the FIR

number and send the preliminary report to senior officers. I, ASI, will remain in charge of investigation. Police Station: Dhand Sd/- Raghbir Singh, ASI Police Station Dhand Dated: 24.04.2023 Accordingly, on finding the commission of offence under sections 328, 379, 34 IPC, case FIR No. 66 dated 24.04.2023 under sections 328, 379, 34 IPC Police Station Dhand was registered, and copy of FIR along with copy of report was handed to the concerned lady constable for further investigation, and original complaint was given to the investigating officer. The first information report's special report will be sent through e-mail to senior officers. Record was completed."

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further iterated that the petitioner is in custody since 23.05.2023 wherein after his plea for regular bail was allowed on 05.10.2023 on merits thereof. Learned counsel has iterated that the petitioner was regularly appearing before the concerned trial Court but could not appear before the concerned Court on 11.11.2024 as also thereafter on account of noting of wrong date as given by clerk of his learned counsel before the trial Court. Learned counsel for the petitioner has iterated that the petitioner was re-arrested on 02.04.2025 and is in continuous custody since then. Learned counsel has further stated that the petitioner has been falsely implicated into the FIR in question by the police, so as to solve the FIR in question on account of his antecedents. 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, he does not deserve the concession of the regular bail.

Learned State counsel seeks to place on record custody certificate dated 19.11.2025 in Court, 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. It is not in dispute the petitioner was arrested on 23.05.2023 whereinafter concession of regular bail was extended on 05.01.2023. The petitioner did not appear before the trial Court on 11.11.2024 till 02.04.2025. Total 17 prosecution witness have been cited, out of which 17 have been examined till date. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues 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. No useful purpose would be served by keeping the petitioner behind bars for further period.

6.1. As per custody certificate dated 19.11.2025 filed by the learned State counsel, the petitioner has suffered incarceration for a period of 1 year and 23 days. Further, as per the said custody certificate the petitioner is stated to be involved multiple FIRs/cases. 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaq 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

26.11.2025
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No