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**(259) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-60365-2025 (O&M)
Date of decision : 19.12.2025**

AJAY JAILDAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Manish Soni, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

Ms. Rashi Shahrawat, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.411, dated 12.12.2024, registered under Sections 232(1), 296B, 351(3), 61(2) (A) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'); [Section 111(2) of BNS added later on], registered at Police Station Pataudi, District Gurugram.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant alleging that the petitioner had

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committed murder of his two brothers namely Sujit Kumar and Paramjit Thakran and was lodged in Jail in connection with that case. The complainant himself and his family members were material witnesses in the FIR lodged against the petitioner, and to dissuade them, the petitioner had been extending threats to them by adopting different means. The complainant further alleged that on 10.12.2024, the accused Sandeep-nephew of the petitioner had put a status on his Facebook account in which he was shown while extending threats to kill the complainant and hurled abuses to him. He was taking the name of the present petitioner. Feeling aggrieved, the complainant prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner who was in custody, was joined into investigation of this case and was formally arrested on 04.03.2025. The co-accused were also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The ingredients of subject offences are not attracted qua him at all. He was lodged in jail at the time of alleged incident. He has been implicated with the aid of Section 61(2) (A) of BNS. But there is nothing on record to show that he had hatched any conspiracy. He is in continued detention for a period of over nine months. The trial will take considerable time to conclude. His further incarceration will not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

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4. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. He is involved in murder of the two brothers of the complainant and had been pressurizing him through the co-accused. He is a habitual offender and several other FIRs have been registered against him. There are chance of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for both the parties.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused Sandeep, who had uploaded a video on Facebook in which threats were extended to kill the complainant and abuses were hurled by taking the name of the petitioner. He is in custody since 09.03.2025. It is only on thorough assessment of the evidence to be produced during trial that any conclusion as to complicity of the petitioner in the commission of subject offences can be drawn. These offences are triable by Magistrate. Taking into consideration, the period spent by the petitioner in custody and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief

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Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) He shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) He shall appear before the learned trial Court as and when directed.
- (iv) He shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO and Trial Court.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

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9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**19.12.2025
Amit Sharma**

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