



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

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**CRM-M No.60959 of 2025
Date of decision : 27.11.2025
Date of uploading : 27.11.2025**

RakeshPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

**Present: Mr. Vijay Kumar Sheoran, 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.37 dated 28.2.2019 under Sections 147/148/149/323/365/379-B/506 of IPC, registered at Police Station Loharu, District Bhiwani.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, Sir, SHO, Police Station Loharu, District Bhiwani. Subject: Application for legal action against Rakesh alias Ladu son of Dharambir, Kuldeep son of Ramkumar, Sonu son of Balwan, Pradeep alias Sexy son of Hoshiyaar Singh, Dharam Gujjar son of Bhal Singh Gujjar, residents of Kharkani, Tehsil Loharu, District Bhiwani, Achin son of Gordhan, Bhoop Singh son of Balbir, Ashok son of Balwan, residents of Manfara, Tehsil Loharu, District Bhiwani, Tony alias Rustam resident of Shyamkalan,



Tehsil Badhra, District Charkhi Dadri, Mukesh, resident of village Jui, Tehsil and District Bhiwani and other 4/5 persons whose names and addresses are unknown. Sir, I, the applicant, make the following request. It is my humble request that 1, Sunnypal alias Sethi son of Shri Ravindrer resident of village Kharkari, Tehsil Loharu, District Bhiwani. Sir, on 20.2.19 at around 3.00 pm, I was going from my house to Krishna's shop on my motorcycle, when at that very moment all the above mentioned accused persons, having conspired and conspired with each other, came riding on three motorcycles and a Bolero camper with sticks in their hands. As soon as they arrived, all the above mentioned accused persons stopped me by placing their motorcycle in front of my motorcycle and forcibly took me in the camper and one of the above mentioned accused persons, Tony alias Rustam, resident of village Shyamkalan, tehsil Badhra, district Charkhi Dadri, drove my motorcycle and took me to Sati Walo Johar village Kharkanri, far away from the village and as soon as we reached there, all of them started beating me saying that today there is no one to save you, we will kill you and bury you here, no one will even know about your dead body and they with intention to beat me badly began beating me with sticks and continued to beat me for about an hour. During this time, I noticed that one of the accused was also making a video clip of me on his phone. They then snatched my purse containing approximately 1200, my documents, and my motorcycle keys and they left me, threatening to kill me if I told anyone about the incident and after I gave them a full assurance that I would not tell anyone about the incident, they left me there in a half-dead condition and drove off in their vehicles. I lay there, wailing, until about 10 minutes later, Dinesh, son of Shri Rajkumar, resident of village Kharkhari, Tehsil Loharu, District Bhiwani, came to me and dropped me off at my house on his motorcycle. After that, out of fear for my life, I did not tell anyone about the above incident and when anyone asked me about the injuries I sustained, I told them about the motorcycle falling. After that, today on 27.2.19, my father came and showed me a video which was about the incident that happened to me on 20.2.19, so I told my family members about the entire incident that happened to me on 20.2.19 and today I appeared before you. The video clip of the incident dated 20.2.19 is attached as a request. Therefore, I request you that strictest legal action should be taken against the above accused persons regarding the above incident. I will be highly grateful to



you. Applicant Sunnypal alias Sethi, son of Shri Ravindra, resident of village Kharkhari, Tehsil Loharu, District Bhiwani. Mobile No. 9728022250.'

3. Learned counsel for the petitioner has argued that the petitioner was initially granted the anticipatory bail on 18.9.2019 on merits thereof. Subsequently, challan was filed in the FIR in question on 28.9.2019 and the petitioner was appearing before the concerned Court. However, the petitioner could not appear before the concerned Court on 12.8.2019 and moved an application for exemption from personal appearance, which was declined and his bail was cancelled. Learned counsel has further submitted that the petitioner is in custody since 8.5.2025. Total 16 prosecution witnesses have been cited, out of which only 8 have been examined till date and thus culmination of trial will take long. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Dalip Singh, HPS, Deputy Superintendent of Police, Tosham, Bhiwani in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 26.11.2025 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. It is not in dispute before this Court that the petitioner was granted anticipatory bail on 18.9.2019 on merits thereof. The petitioner appears to have been appearing before the concerned Court on multiple occasions thereafter, but did not appear on 12.8.2025 wherein an application for exemption was also filed by him. Without delving into the merits of the said application and the order passed thereupon, this Court deems it appropriate to enlarge the petitioner on bail. The rival contention raised at Bar give rise to debatable issues which shall essentially 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 26.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 19 days in this case. As per the said custody certificate, the petitioner is stated to be involved in multiple other cases/FIRs. 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/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.

(SUMEET GOEL)
JUDGE

27.11.2025
Ashwanii

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