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

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VAIBHAV ALIAS MITHU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Date of decision : 19.11.2025

Date of uploading:19.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shubham Rana, 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.225 dated 23.9.2024 under Sections 310(2), 251(b), 190, 191(3), 115, 238 and 140(3) of Bharatiya Nyaya Sanhita, 2023 (Sections 310(2) and 238 of BNS were added and Sections 303 and 251(b) were deleted later on), registered at Police Station GRP, Ambala Cantt. District GRP Ambala Cantt.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Statement of Abhishek S/o Santram, resident of House No. 1126 Milap Nagar Ambala City, Police Station Sadar Ambala City District Ambala Age 23 years M-8569990135. Stated that I am a resident of the above address and doing labour work. I went to Mata Vaishno Devi by train on 20-09-2024 with my friends Rohit, Nishant and Saurav Kumar. On 22-09-

2024, I and my three friends boarded the train for Ambala Cantt at around 3-20 pm by taking railway tickets. Our train reached Ambala Cantt. railway station on 23-09-2024 at around 00-30 AM. I and my friends reached the parking RLY STN A/CANTT to pick up our motorcycle where we had parked our motorcycle on 20-09-2024. My friend Saurav had gone to the parking with a slip to pick up his motorcycle. I, Nishant and Rohit were standing outside waiting for Saurav to come with the motorcycle. Then I heard Saurav shouting and I saw Rahul Walia standing in front of me with a Gandasa in his hand, Sharif Sahil Rathore with an iron pipe-like rod in his hand, Mitthu Vabhay Rio Kabir Nagar also with an iron rod in his hand, Rudra Pratap who has a gym at Jagadhari Gate with an iron pipe-like rod in his hand, he attacked my right leg with the rod due to which I started staggering. Meanwhile my three friends ran away from the spot on seeing fight. After that Anubhav Sood hit me on the head with a heavy object. Rimpi Sardar put something like a pistol in my mouth and said that if I made any noise, I would shoot you. Deepak also hit me several times with an iron rod. Then they forcibly put me in a car, blindfolded me and took me to some unknown place room. In the room also they stripped me naked and beat me. After hitting me on my face, they all urinated on my face. At that time my right leg was broken below the knee and blood was flowing from my head. They snatched my mobile phone, ATM card, my purse from me and took my ATM CARD password from me which I had told to be wrong. At the time when I was being assaulted in the room, some other associates of Rahul Walia also assaulted me, whose names I do not know, but I can recognize them if they come in front of me. After that Rahul Walia, Anubhav Sood, Mithu @ Vaibhav and Rudra Pratap put me in a Scorpio car and threw me on a stretcher trolley lying in front of the emergency gate of Civil Hospital Sector 6 Panchkula and left. It was four in the morning at that time. Seeing me lying outside on the stretcher, the hospital staff brought me inside. I told the staff about the incident that happened with me and taking a phone call from some poor person, I told my brother about the incident and my brother came to me at around 8 am. My treatment is going on in Panchkula Civil Hospital. I request you to take legal action against the above mentioned people who beat me up. I can very well identify the people who beat me up if they come in front of me. I am getting my statement written in full consciousness in the presence of my brother Sandeep. I have read my statement because I am a 9 pass and I claim to take legal action."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.09.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is causing a simple injury. Learned counsel has further argued that the said injured Abhishek already stands examined as PW-2. Learned counsel has further iterated that the complainant has fabricated the FIR



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version as there is impending rivalry between him and the complainant. Thus, regular bail is prayed for.

4. 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 18.11.2025 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. The petitioner was arrested on 29.09.2024 wherein after investigation was carried out and challan stands presented on 21.12.2024. Total 13 prosecution witnesses have been cited but only 2 have been examined till date. 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.

6.1 As per custody certificate dated 18.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year 1 month and 20 days. As per the said custody certificate, the petitioner is stated to be involved in 2 more 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

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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

19.11.2025*jatin*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No