

2025 PHHC 178298



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-66677-2025

Date of decision: 23rd December, 2025

Shiv Kumar @ Shiba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 116 dated 28.03.2019 registered under Sections 186, 353, 307 read with Section 34 of IPC and Section 25 of Arms Act, 1959 at Police Station Dharuhera, District Rewari.

2. The petitioner has been facing trial for commission of the aforementioned offences on the allegations that on 28.03.2019, he along with the co-accused was trying to be apprehended on the basis of a secret information by the concerned police officials and at that time, they had started indiscriminate firing at the raiding party and had run towards forest area in

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different directions. The petitioner was arrested on 28.03.2019. He was granted benefit of regular bail by this Court vide order dated 04.08.2023.

3. It has come on record that the petitioner absented himself on 19.12.2024 before the trial Court, due to which his bail was cancelled, and bonds were forfeited to the State. Ultimately, proclamation proceedings were initiated against him, and he was declared a proclaimed person on 22.04.2025. The petitioner had been re-arrested on 02.09.2025 after securing his presence through production warrants as he was lodged in custody in some other case and is in custody since then.

3. It is argued by learned counsel for the petitioner that he had been extended benefit of bail after considering the nature of the allegations against him. He could not appear before the learned trial Court as he had gone out of station due to some urgent work and now, he is in custody since 02.09.2025. His further detention would not serve any useful purpose. He is ready to abide by the terms and conditions to be imposed upon him by this Court. As such, it is urged that he may be extended benefit of bail.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner who is a habitual offender as he is involved in several cases. He absconded from the trial Court and was declared a proclaimed offender. There are chances of his absconding again if extended benefit of bail. The trial is proceeding at a proper pace and there are no

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chances of undue delay in conclusion of the same. Hence, it is stressed by him that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner had violated the terms and conditions of the bail previously granted to him and had absented himself on 19.12.2024. He could be apprehended again only on 02.09.2025 and he is in custody since then. The trial is going on, but it would take time to conclude. Continued detention of the petitioner would not serve any useful purpose. Taking into consideration the above discussed facts, 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 regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/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 deposit his passport, if any, and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court on each and every date of hearing.
- (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.

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- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.
- (vi) he shall appear before the SHO/ IO concerned of the case on the first Monday of every month. In case of his non-appearance before the SHO/IO concerned, an intimation shall be given to the learned trial Court immediately, which shall be at liberty to cancel his bail.

- 7. 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.
- 8. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd December, 2025
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |