



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

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**CRM-M No.68281 of 2025
Date of decision : 9.12.2025
Date of uploading : 9.12.2025**

Dharmender @ Bittu**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate and
Mr. Kartik Mittal, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

Mr. Manish Mehta, Advocate, for the complainant

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.19 dated 12.2.2025 under Sections 115, 118(1), 351(3), 127(2), 3(5) and 109 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Kanina, District Mahendergarh.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Sir, It is respectfully submitted that I, Rajkumar, son of Satyanarayan, resident of village Jhadli, submit that on 08.02.2025 at about 08:45 PM, I was going from my house to the well. On the way, when I reached near the



house of Dhillu son of Ramanand, Dhillu called me and said "come, sit with me for two minutes." So, I went inside his house and sat. At his house, Dharmendra alias Bittu son of Anil, Krishan son of Anil, and Anil son of Bhagwan Das were sitting all three are father and sons and residents of village Jhadli. Then, all three assaulted me. Dharmendra kicked me in the mouth, due to which my teeth broke, and he caused injuries on my hands and legs with a wooden stick. Krishan inflicted an injury on my right leg with a knife, and Anil hit me all over the body with sticks and batons. After that, I became unconscious. The next morning, at around 7:00 AM, I regained consciousness. I cried out and raised repeated alarms, after which Dhillu came and opened the door. By then, many people of the village had gathered there. Then I took Dhillu's phone and called Dial 112. Police reached the spot and got me admitted to Sehlang Hospital. Dharmendra alias Bittu, Krishan, and Anil confined me inside Dhillu's house and assaulted me, and all three threatened to kill me. Legal action should be taken against the accused. Bittu took the knife from Krishan and made a deadly attack on me, causing injuries. Till now, I am undergoing treatment at Pooja Hospital. Now, I have submitted my written complaint before you. Please get me justice. [LTI of Rajkumar] Mobile No.: 8278534195.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.3.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, as per the FIR, the petitioner has been ascribed the role of breaking one tooth of the complainant as also giving him injuries on his legs and hands. Learned counsel has further submitted that a similarly placed co-accused namely Anil has been granted the concession of regular bail by the Sessions Court vide order dated 16.7.2025. Learned counsel has further iterated that the injured was allegedly kept in the house of one Dhillu Ram throughout the night under lock but has been cited as a witness rather than the accused. Learned



counsel has further submitted that after recording the examination-in-chief of the complainant–injured Raj Kumar, an application under Section 319 of Cr.P.C. (for summoning of one Krishan, as an additional accused) has been filed on account of which trial would also procrastinate. 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 8.12.2025. in Court, which is taken on record.

4.1 *Vakalatnama* filed on behalf of the complainant is taken on record. Learned counsel for the complainant has opposed the grant of bail on the ground that the petitioner is the main aggressor, who has caused multiple injuries to the complainant, including fracture. Learned counsel has further submitted that there are clear averments in the FIR in question that he broke one tooth of the complainant and the petitioner is a man with no clean antecedents.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 5.3.2025 wherein after investigation was carried out and challan was presented on 19.5.2025. Total 13 prosecution witnesses have been cited, out of which only one has been partly examined till date.

6.1 Keeping in view the entirety of the facts and circumstances of



the case, especially, the fact of an application under Section 319 of Cr.P.C. having been moved at the instance of the complainant for summoning of Krishan as an accused, it is indubitable that conclusion of the trial will take long. 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.

6.2 As per custody certificate dated 8.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 3 days. As per the said custody certificate, the petitioner is stated to be involved in 9 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 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.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

9.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No