



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

236

CRM-M No.68892 of 2025

Date of decision : 11.12.2025

Date of uploading : 11.12.2025

Akash alias Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dheeraj Narula, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior DAG, Haryana

Mr. Shubham Mirok, 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.341 dated 5.7.2025 under Sections 115(2), 117(2), 118(1), 118(2), 190, 191(2), 191(3), 304(2), 324(4 of Bharatiya Nyaya Sanhita, 2023(charges framed under Sections 115, 118(1), 118(2), 190, 191(3), 304 and 324(4) of BNS), registered at Police Station City Sirsa, District Sirsa.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Harpreet Singh alias Happy, son of Fouja Singh, resident of Village Nejadela Kalan, District Sirsa, stated that Naresh Kumar, son of Sahab Ram, resident of Nejadela Kalan, is his friend and works as an electrician. On 03.07.2025 at about 7:00 PM, Naresh Kumar



came to the complainant's house and informed him that he had to collect an amount of ₹70,000 from Jashnpreet son of Balwinder Singh, who had called him to an Aadhat shop at Sirsa. Naresh requested the complainant to accompany him. Accordingly, both of them proceeded to Anaj Mandi, Sirsa on Naresh's motorcycle bearing registration No.HR-24V-3800 (Splendor Plus). From Anaj Mandi, Naresh contacted Jashnpreet, who told him that he did not have the money that day. Thereafter, Naresh's phone switched off, and both returned to their village. They then went to the house of Jashnpreet to enquire, but he was not found present. Subsequently, Naresh called Jashnpreet on mobile number 80590-54840 using the complainant's mobile number 90173-09889. On this call, Jashnpreet asked them to come to Home Town Café to collect the money. The complainant and Naresh again travelled to Home Town Café in M.C. Market, Sirsa on the same motorcycle. However, Jashnpreet was not present there either. Naresh again called him, upon which Jashnpreet stated that he was getting a haircut and would reach within 10–15 minutes. They waited, and at around 9:15 PM, Jashnpreet arrived along with another unknown young boy. Jashnpreet began abusing them regarding the money dispute and called out to some companions who were already sitting inside the café, saying, "Come quickly with the weapons, we will send them after giving the money today." Immediately thereafter, five young boys armed with *dattars* came out of the café. Akash alias Anil (*petitioner herein*) son of Bhajan Lal Mirok, resident of Chhoti Chamal, attacked the complainant with a *dattar*, striking his right



hand. Ravi, son of Bhajan Lal, resident of Chhoti Chamal, delivered another *dattar* blow on the complainant's left hand. Jashnpreet struck the complainant on the back of his head with a brick piece. Sushil Kumar alias Sheelu hit him on the left shoulder with a pipe, and the unknown boy accompanying Jashnpreet inflicted injuries on his back. The assailants also assaulted Naresh Kumar. On finding an opportunity, the complainant and Naresh fled from the spot. The complainant stated that during the quarrel, Jashnpreet snatched his iPhone-16 from Naresh Kumar's hands. The complainant then borrowed a phone from a passerby and informed his cousin, Chander Mohan, about the incident. He further alleged that the assailants also damaged Naresh Kumar's motorcycle.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 12.8.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that, in fact, the FIR-complainant-side was the aggressor party and the petitioner was merely defending himself. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner is attributed a *dattar* injury on one of the injured but the said injured has recovered long way back. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, the petitioner ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody



certificate dated 10.12.2025, in the Court today, which is taken on record.

4.1. *Vakalatnama* filed on behalf of the complainant is taken on record.

Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/serious allegations against the petitioner. Learned counsel has further argued that from the evidence brought forth along with the challan, the petitioner is clearly culpable. Learned counsel has further argued that in case, the petitioner is released on bail, there is all likelihood that he may flee from the process of trial as also interfere with the prosecution evidence and also intimidate the witnesses. With these submissions, dismissal of the present bail plea is entreated for.

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

6. The petitioner was arrested on 12.8.2025, whereinafter, the investigation was carried out and challan has been presented on 09.10.2025. Total 13 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar 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 10.12.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 27 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR bearing No.368 dated 29.9.2021. 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/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

11.12.2025
Ashwanii

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