

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

2026:PHHC:050884



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CRM-M-6584-2026

Date of decision: 02.04.2026

Date of uploading: 02.04.2026

Ashok Kumar @ Ashok

...Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harsh Vashisth, Advocate for
Mr. Vikram Rana, Advocate, for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS 2023 is for grant of regular bail to the petitioner in case FIR No. 37 dated 28.02.2019, under sections 147, 148, 149, 323, 365, 379B, 506 of Indian Penal Code 1860, registered at Police Station Loharu, District Bhiwani.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, respected S.H.O. Sahib, Police Station Loharu, District Bhiwani. Subject: Application regarding taking legal action against Rakesh alias Ladu son of Dharmbir, Kuldeep son of Ramkumar, Sonu son of Balwan, Pradeep alias Sexy son of Hoshiar Singh, Dharma Gujjar son of Bhalsingh Gujjar, residents of Kharkadi, Tehsil Loharu, District Bhiwani; Aachin son of Gordhan, Bhup Singh son of Balbir, Ashok son of Balwan, residents of Manphara, 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 unknown persons with unknown names and addresses. Respected Sir, the applicant humbly submits as under: With due respect it is submitted that I, Sannipal alias Sethi son of Shri Ravindra, resident of village Kharkadi, Tehsil Loharu, District Bhiwani. Respected Sir, on dated 20.2.19 at about 3.00 PM in the evening, I was going from my house on a motorcycle towards Krishna ki ke samne, when at the same time all the above accused persons, after hatching a conspiracy and mutual consultation, came riding on three motorcycles and one Bolero Camper, carrying lathis and sticks in their hands, and as soon as they arrived, all the above accused persons placed their motorcycle in front of my motorcycle, stopped me and forcibly put me with them into the Camper, and my motorcycle was driven by Tony alias Rustam resident of village Shyamkalan, Tehsil Badhra, District Charkhi Dadri, and they took me to village Sati Walo Johad, village Kharkadi, and as soon as they reached there, all of them said to me that today there is no one to save you, today we will kill you and bury you here, no one will even come to know about your dead body-and with the intention to kill me, they started beating me severely with lathis and sticks held in their hands, and they kept beating me continuously for about one hour. During that time, I saw that one of the above accused persons was also making a video clip of me on his phone. Thereafter the above accused persons snatched from me my purse containing about Rs. 1200/-and my documents and the key of my motorcycle, and while leaving me they said that if you tell anyone about the above incident, we will get you killed. And thereafter, on my giving complete assurance that I would not tell anyone about the above incident, all the above accused persons left me there in a half-dead condition and went away riding in their respective vehicles. Thereafter I was lying there trembling, when after about 10 minutes Dinesh son of Shri Rajkumar, resident of village Kharkadi, Tehsil Loharu, District Bhiwani, came to me and took me on his motorcycle to my house. Thereafter due to fear for my life I did not tell anyone about the above incident, and on anyone asking about my injuries I told that I had fallen from the motorcycle. Thereafter today on dated 27.2.19 my father came and showed me a video which was regarding the incident that happened with me on dated 20.2.19, then I told my family members about the entire incident that happened with me on dated 20.2.19, and today I am present before you, Sir. The video clip of the incident dated 20.2.19 is attached with this application. Therefore, Sir, it is prayed that the strictest legal action be taken against the said

accused persons regarding the above incident. Sir, you will be highly obliged. Applicant: Sannipal alias Sethi Son of Shri Ravindra Resident of village Kharkadi, Tehsil Loharu, District Bhiwani”

3. Learned counsel appearing for the petitioner has argued that the petitioner initially arrested on 23.03.2019 and was thereafter granted concession of regular bail vide order dated 20.06.2019. The petitioner continued to appear till August, 2019, but was not able to appear before the concerned Court from 01.09.201 onwards. Learned counsel appearing for the petitioner has submitted that the petitioner was not able to appear in Court on account of ill health of his mother and other circumstances beyond his control. The petitioner came to be re-arrested on 16.02.2025 and is in continuous custody since then. Learned counsel appearing for the petitioner has further submitted that non-appearance of the petitioner before the concerned Court was inadvertent and on account of circumstances beyond his control. Learned counsel appearing for the petitioner has further submitted that, in case the petitioner is afforded the concession of regular bail, he is willing to face trial in accordance with law. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 01.04.2026 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 earlier afforded the concession of regular bail on merits thereof on 20.06.2019 and continued to appear before the concerned Court. Further, upon being re-arrested the petitioner is in custody since 16.02.2025. Challan already stands presented against the petitioner wherein total 23 prosecution witnesses have been cited and out of which 10 have been examined till date. It is not in dispute that conclusion of trial will take long time. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 01.04.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 1 year, 4 months & 23 days and is shown to be involved in any two other FIRs/cases. 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

9. 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.

10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 02, 2026
Naveen

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