



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

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CRM-M-11228-2026

Date of decision : 11.03.2026

Date of uploading : 11.03.2026

Yashpal Alias Sarpanch

.....Petitioner

Versus**State of Haryana**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pardeep Singh Poonia, Sr. Advocate with
Mr. Pulkit Dhanda, Advocate for the petitioner.

Ms. Mahima Yashpal, Senior DAG, 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.320 dated 21.05.2020 under Sections 323, 427, 307, 34 of the IPC and Sections 25,29, 54, 59 of Arms Act, registered at Police Station Model Town, District Rewari, Haryana.

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

"To the Station House Officer, Police Station Model Town, Rewari. Sir, submitted that I, Krishan son of Kishor, am permanent resident of Bhadawas Chowk, Company Bagh, Rewari. I run a tea stall in my own shop at Rampura Road Rewari for looking after my family. On 16.05.2020, Harkesh s/o Kaluram resident of New Adarsh Nagar Rewari and his friend Dheeraj alias Shooter s/o Manoj resident of New Adarsh Nagar Rewari and Praveen alias Kali s/o Bani Singh @ Dhangaram came to my shop and said that Tarun Kaushalya has liquor contracts shops and he has given us the responsibility that no person will smuggle illegal liquor. Therefore, if we send any person to your shop for tea, water or cold drink, you will have to give it to him on credit. after listening to them, I refused to give them credit, then all three of them said in one voice that we will finish you off soon by shooting you in the chest for refusing us. I



ignored their threatening.

But today on 20.05.2020 at about 10.50 PM, all the three persons came to the lane near my house and called out my name. When I came near the main gate, Harkesh fired a straight shot with the weapon in his hand to kill me. The shot passed from close to my neck. I fell down in fear and second shot was fired to kill me. Then they ran away from there. I informed Sanjay, my aunt's son, on his Mobile No.9050977214 using my Mobile No. 8950894876 about this incident.

After that I came to know that the above mentioned persons broke Sanjay's car No. HR 36X 3556 brand Wagon-R and tried to fire. The incident at my house was also witnessed by Karan @Karni s/o Zile Singh. There is a threat to my life and that of my family from these three persons. I should be given justice by taking strict legal action against them. Applicant's name Krishan s/o Kishor caste Gurjar resident of Company Bagh Rewari."

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 05.03.2024. Learned senior counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is that of supplying illegal firearms; however, he is not alleged to have used the same or to have actually participated at the time when the FIR in question was lodged. Learned senior counsel has further submitted that the petitioner has suffered incarceration for more than two years, and there has been no progress in the trial, as the charges are yet to be framed. 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 10.03.2026 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. The petitioner was arrested on 05.03.2024 wherein after



investigation was carried out and challan stands presented on 23.03.2024. Total 33 prosecution witnesses have been cited, whereas it is the conceded case before this Court that even the charges have not yet been framed. It has further been submitted that none of the witnesses has been examined so far, despite the petitioner having suffered incarceration for more than two years qua the FIR in question. 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 10.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years and 6 months and is shown to be involved in other case(s). As per the said custody certificate, the petitioner is stated to be involved in other 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.

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

11.03.2026
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(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No