



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

249

CRM-M-25552-2026

Date of decision :12.05.2026

Date of uploading :12.05.2026

MANDEEP DHANDA

.....Petitioner

Versus**STATE OF HARYANA**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nitin Bhanwala, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, 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.368 dated 13.10.2024 under Sections 109(1), 3(5) of BNS and Sections 25(1B) (a) of Arms Act and Sections 111(2), 61(2) of BNS added lateron and Sections 27(1), 29(B) of Arms Act, registered at Police Station Shivaji Nagar, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"I, Sandeep, son of Rammehar, resident of Village Jayanti, Tehsil Julana, District Jind, Haryana, presently residing as a tenant at M/s 382/23, House No. 01, Hira Nagar, Gurugram, aged about 37 years, state as under:

That I am residing at the above-mentioned address and am engaged in the work of repairing and installing RO systems. Several years ago, I used to work at an RO shop belonging to my friend Mandeep Dhanda, situated in Hira Nagar. In the year 2017, Mandeep Dhanda left the said shop. After about 4-5 years, he returned and started demanding possession of the said RO shop from me. Accordingly, I handed over the shop to Mandeep Dhanda and also paid him a sum of approximately 3,50,000/-. Thereafter, I opened my own RO shop separately, which was later got closed by



Mandeep Dhanda. Consequently, I started doing RO work through phone calls.

However, Mandeep Dhanda did not allow me to continue my work and kept demanding more money. He had also assaulted me in the year 2023.

Today on 13/10/2024 at about 10 AM, I was going on my bike in Hira Nagar, when Mandeep Dhanda and his two companions came on a motorcycle and with the intention of killing me, Mandeep Dhanda and his companion fired at me with the weapon they were holding, some of the bullets hit my body and I fell down after being hit by the bullets and Mandeep Dhanda and his two other companions fled from here on a motorcycle, which I could not see the number of the motorcycle. I request that legal action be taken against the accused persons. The father's name of Mandeep Dhanda is Vijaypal.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.11.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner, while drawing the attention of this Court to the disclosure statements of the petitioner (copy whereof has been appended as Annexure P-4 to the present petition), has urged that the case set up by the prosecution is that the petitioner attempted to fire, but his pistol got jammed, whereas the actual shots were fired by the co-accused, namely Sonu. Learned counsel has further contended that the petitioner has suffered incarceration for more than one year and five months. Learned counsel has further urged that the trial is procrastinated and the folly thereof is not attributable to the petitioner. 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 11.05.2026 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 29.11.2024 wherein after investigation was carried out and challan stands presented on 04.02.2025. Total 33 prosecution witnesses have been cited but 4 has been examined till date. It is thus indubitable that culmination of trial will take its own time. Though the FIR-complainant/victim has not yet been examined, yet it remains a fact that the delay in culmination of the trial cannot be attributed solely to the petitioner. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

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 11.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 5 months and 13 days & is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in 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/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

12.05.2026
jatin

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