IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.28529 of 2026
Date of decision : 25.5.2026
Date of uploading : 25.5.2026

Chand @ Chand Ram .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate, for the petitioner

Ms. Priyanka Sadar, 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.162 dated 16.7.2017, under Section 25 of Arms Act, 1959, Sections 302 and 34 of IPC (Sections 201, 148, 149, 380, 420, 120-B of IPC added and Section 34 of IPC deleted later on), registered at Police Station Bawal, District Rewari.

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

> *'"Dated 16.7.2017, To the SHO, Police Station, Bawal, District Rewari (Haryana). Sir, I, Pawan Kumar son of Sh. Satbir, resident of Tihara, caste Jat am residing at Tehsil Bawal, District Rewari. Today on 16.7.2017 about 9.00 AM in the morning, my father Sh. Satbir was eating food while sitting on a cot in courtyard outside the house and my mother Smt. Bhateri Devi was sitting next to him. Then, suddenly a white coloured*

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Swift car came and stopped there, unknown persons father in persons car. out of which came towards the courtyard and remained sitting in two my two the On seeing those two unknown persons, my father asked my mother to bring chair from inside. When my mother brought the chairs, those two unknown persons started firing on my father. After hearing the noise of firing, when I and my mother came outside, those two unknown persons had fled away in their white coloured Swift bearing No.DL-2ACQ-3290 Pranpura Road, Shahpur at car towards a high speed. Then we all ran towards our father. Till then some villagers had gathered after hearing the noise and the police was informed about the occurrence by calling at number 100, but the police did not reach at the spot, therefore, I took the body of my father in my Swift car to the police station, Bawal, who had died at the spot due to gunshot injury. The police officials told me to go to General Hospital, Bawal, thereafter I reached General Hospital, Bawal along with the dead body of my father. In the hospital no police official had reached there even after an hour. When the police officials arrived at General Hospital, Bawal after an hour, then I narrated the whole incident to them. We have suspicion that Satyapal, resident of Bar Gurjar, Tehsil Manesar, District Gurugram might be involved in this occurrence. In the year 2010-2011 my father was working as Kanoongo in the Consolidation Department at Bar Gurjar, during this period he got conducted Consolidation village Bar Gurjar. Due to Satyapal became mortal enemy life of my father and threatened to kill my father, of this of also he also got lodged false complaints in his department. Apart from this I and my family will also try to find out the accused persons privately. We will inform you, if we receive any information. Legal action be taken against the unknown persons, who have murdered my father. Sd/- Pawan Kumar (Pawan Kumar s/o Sh. Satbir) Mob.9315594459 Attested Ajay Disodiya SHO PS Bawal dated 16.7.2017.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 8.4.2019. Learned counsel has further argued that the prime prosecution witnesses, including the eye-witnesses namely, the wife, brother, son and cousin brother of the deceased have turned hostile. Learned counsel for the petitioner has further urged that apart from these

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witnesses, the other evidence that can at the most be said against the petitioner is that of the disclosure statement of petitioner himself. 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 has further iterated that there is clear evidence/material forthcoming against the petitioner showing his culpability into the offence in question. Learned State counsel has further submitted that the petitioner has not only played a pivotal role into the commission of the offence but actually is the vain of intent.

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

6. The petitioner was arrested on 8.4.2019 whereinafter investigation was carried out and challan stands presented on 22.7.2021. Total 56 prosecution witnesses have been cited, out of which 53 have been examined till date. The rival contentions of learned counsel for the parties give rise to debatable issues, which shall essentially 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.

The case in hand reflects that the petitioner is in custody for

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more than 7 years.

6.1 As per the custody certificate dated 21.5.2026, the petitioner is involved in several other 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:-

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(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

25.5.2026
Ashwani

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

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