



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

228

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CRM-M No.60729 of 2025  
Date of decision : 19.1.2026  
Date of uploading : 19.1.2026

Jaideep .....Petitioner  
Versus  
State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balraj Gujjar, Advocate, for the petitioner  
Mr. Gurmeet Singh, AAG, Haryana  
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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.525 dated 16.9.2024 under Sections 103(1), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959 (Sections 61(2), 238 and 253 of BNS added later on), registered at Police Station Kharkhoda, District Sonipat.
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 SHO, Police Station KKD. Sir, It is submitted that I Kamla wife of Harikishan, Caste Jaat, am resident of Village Barofa, Police Station Kharkhoda. Due to enmity, Ravi son of Attar Singh had got murdered my younger son Dinesh in 2017 through his companion. Due to the same enmity, today on 16.09.2024 at 7.00 pm, my son Brijesh had gone out in the street. The assailants Ravi (alias) Lamba son of Attar Singh, Sandeep son of Devender, Sandeep son of Dharambir, Sonu son of Krishna, Maman son of Boda, son of Sardar Dhanak came on their*



*two motorcycles and they surrounded Brijesh in front of the house of Hari Prakash son of Amar Singh. All the attackers together fired bullets at Brijesh blindly, due to which Brijesh died at the spot in the street. A mobile phone was also found lying near Brijesh, about which I do not know. The aforesaid Ravi, Sonu, Sandeep, Dharambir, Sandeep son of Devender, Maman son of Boda, Poli son of Dharm, son of Sardar Dhanak, all residents of Barona and Gola resident of Ladpur, have murdered my son Brijesh. Apart from two motorcycles, the above mentioned accused could also have other vehicle. Appropriate legal action be taken against the above mentioned accused. I have submitted this application, after getting it written from my daughter-in-law Kavita son of Ravi. Sd/- Kamla RTI Date 16.09.2024 Mob. 9671468578....'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.10.2024. Learned counsel has further argued that, assuming *arguendo*, the prosecution version available at this juncture is taken to be correct, the role ascribed to the petitioner is of conspiracy and supply of arms to the actual assailants, who have fired and committed the murder. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that total 28 prosecution witnesses have been cited and only 7 have been examined till date. Thus, culmination of the trial will take long. Learned counsel has further submitted that the prosecution version does not reflect any specific motive attributable to the petitioner for him to partake in the offence in question. 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 16.1.2026 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 2.10.2024 wherein after investigation was carried out and challan stands presented on 8.12.2024. Total 36 prosecution witnesses have been cited but only 7 have been examined and 01 has been given up till date. 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 16.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 3 months and 7 days. As per the said custody certificate, the petitioner is stated to be involved in multiple 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.

(SUMEET GOEL)  
JUDGE

19.1.2026  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |