



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

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**CRM-M No.67645 of 2025
Date of decision : 14.1.2026
Date of uploading : 15.1.2026**

Murlidhar**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Thakur, 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.64 dated 15.3.2018 under Sections 186, 188, 307, 34, 353 and 379 of the IPC, Sections 25, 54, 59 of Arms Act, 1959, Section 4 of Mines Act, 1952 and Section 15 of Environment Protection Act, 1986, registered at Police Station Tigaon, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, SHO PS Tigaon, Jai Hind, Today I SI alongwith ASI Raj Singh ASI Sandeep, ASI Satyawar, ASI Santosh HC Jogender Sepoy Pooranmal, Sepoy Rashid Khan were going in Govt. vehicle Tata Sumo being driven by Sepoy Sandeep Kumar 1599 and were doing night patrolling and



checking near Gaushala Village Kabulpur when one secret informer came and told and one Jai Prakash, Kannu and Sandeep resident of Village Kabulpur are together doing illegal mining at Amipur Yamuna ghat using JCB and are filling dumpers with sand from Yamuna and if raid is conducted immediately then all of them can be apprehended alongwith JCB and dumpers. Based on the information I SI informed my colleagues and after making them understand formed a raiding party and removed blue light from Govt. vehicle and after taking secret informed with me went to Amipur Ghat. We stopped our vehicle much before Yamuna Ghat and parked it on the side and thereafter I SI alongwith my colleagues and secret informer went walking through fields and reached Amipur Yamuna ghat. On reaching there I SI saw in the darkness that one JCB and 7 dumpers were there and their lights were on, in which I could see clearly that 1 person was filling the dumpers using JCB. Secret informer told that the person who is driving JCB is Jaiprakash and the one who is standing to the right of JCB machine is Kannu and the one standing behind Kannu is Sandeep and there were other 10/12 persons who were standing near the dumpers and they are the owners and drivers of dumpers whom I do not know. So I SI discharged secret informer there only and with my colleagues surrounded them from all four sides and raised cry that police has surrounded you from all sides. As soon as I SI said this, Kannu said that JP today we will teach these police persons a lesson and don't stop JCB, if anyone comes near the JCB drive the JCB upon him. When I SI tried to stop JCB then Jaiprakash with an intention to kill me tried to drive the JCB over me but I jumped on one side and saved my life. When my colleagues tried to stop them then Kannu fired from the weapon held in his hands directly with an intention to kill and the said bullet went past the ear of ASI Santosh. Sandeep also fired directly from the weapon held in his hands with an intention to kill ASI Satyawar but he was saved by a whisker. I SI along with my colleagues managed to get hold of persons standing there but Jai Prakash, Kannu and Sandeep alongwith some other persons went away firing and managed to flee taking advantage of the darkness. When I asked about the whereabouts of the persons apprehended, the first one told his name as Manoj s/o Dattaram Caste Gurjar r/o Village Moroli, PS Kama District Bharatpur Rajasthan. Second one told his name as Amit s/o Vijender Caste Jatav r/o Village Nacholi PS Bhupani Faridabad, third one gave his name as Murlidhar s/o Kishor



Caste Kahyap r/o Village Sihi bangar PS Shergarh District Mathura UP, forth one gave his name as Gaurav S/o Shayamlal Caste Yadav r/o village Pavrai PS Ikka Firozabad UP, fifth one gave his name as Wasim S/o Nazir Caste Mev r/o Village Saral PS Nagina District Mewat, Sixth one gave his name as Inus S/o Chuttan Caste Mev, R/o Village Dhauj PS Sector 55 Faridabad and seventh one gave his name as Premraj S/o Ramhari Caste Gurjar r/o Village Luharbadi PS Barsana District Mathura UP. When dumpers were checked they were filled with sand from Yamuna and the numbers of dumpers were 1. HR51 Q9297 AMW 2518, 2. HR 74A1624 mark TATA, 3. HR 38 \$5277 mark AMWW 2518, 4. HR 38 U 9346 mark TATA 2518, 5. HR 38 V 2437 mark TATA 2518, 6. HR 38 X 3437 mark TATA 2518, 7. HR 38 T 5277 mark AMW 2518 and on JCB there was no registration number. On checking the JCB, Eng no, H00096169 and Chassis no. HAR3DXSSK01883450. Therefore, the above mentioned persons by committing illegal mining, harming the environment, obstructing govt officials and attacking the police officials with an intention to kill have committed offences under 188,379,186353,307,34 IPC, 25,54,59 Arms Act, 15 EP Act and 4 Mining Act.'

3. Learned counsel for the petitioner has argued that the petitioner was initially arrested on 15.3.2018 whereinafter, he was afforded the concession of bail on 23.3.2018 by the concerned trial Court. Thereafter the petitioner continued to appear before the concerned Court upto 31.3.2021, but on account of non-conveying of next date of hearing, he could not appear in the Court. Learned counsel has further submitted that the petitioner was declared a proclaimed offender on 10.2.2025 and subsequently came to be arrested on 23.3.2025 and is in continuous custody since then. Learned counsel has further submitted that the main accused-Jai Parkash, who has tried to run over the SI Lajpat with JCB with intention to kill him, Kannu who has alleged to have fire a shot over the police party and Sandeep who has also fired, have since been afforded



the concession of regular bail. Thus, learned counsel has further iterated that the petitioner be granted the concession of regular bail.

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 12.1.2026 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. It is not in dispute that the petitioner was extended the concession of regular bail on merits on 23.3.2018. Without going into the merits of the issue regarding diligence on the part of the petitioner to appear before the concerned trial Court, but taking into account the factum that he is appearing regularly before the concerned Court from March 2018 to March 2021 & is now being in custody since March 2025, this Court is inclined to grant the concession of regular bail to the petitioner.

6.1 As per custody certificate dated 12.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 10 months. As per the said custody certificate, the petitioner is stated to be involved in 2 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/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

14.1.2026
Ashwanii

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