



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

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CRM-M No. 69627 of 2025
Date of decision : 27.01.2026
Date of uploading : 27.01.2026

Amit @ Amit Poonia**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Pardeep Duhan, 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.502 dated 20.10.2024 under Sections 303 of BNS, registered at Police Station Hisar City, District Hisar, 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 Chowki Incharge, police post Bus Stand Hisar. Sir I, Ankit son of Omprakash is resident of village Khokha district Hisar. Today dated 20.10.2024, I came to Bus Stand Hisar at around 7.00 am in the morning on my motorcycle number HR20AJ-0373 brand Splendor Plus, chasis number MBLHAR073HHD09110, engine number HA10AGHHD09138 black in colour. And after parking the motorcycle number HR20AJ-0373 at Bus Stand Hisar, I boarded a bus and went to Sirsa. And when I came back from Sirsa to Bus Stand Hisar and looked, I could not find my motorcycle number HR20AJ-0373. Some unknown person stole my motorcycle number HR20AJ-0373. Action should be taken against him. Date 20.10.24 Sd/- Ankit."

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 19.07.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner was arrested on the basis of disclosure statement of petitioner himself, which is not tenable in law. Learned counsel has further submits that the trial emanating from the FIR is a magisterial one, conclusion thereof will take long time. 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 submits that the petitioner has been involved in 20 other cases and hence he ought not to be granted the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 25.01.2026 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 19.07.2025 wherein after investigation was carried out and challan stands presented on 08.09.2025 Total 13 prosecution witnesses have been cited out of which only 2 have been examined 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 25.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 10 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/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

27.01.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No