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2025:PHHC:129940



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

CRM-M-51949-2025

Date of decision: September 19, 2025

Samunder Deshwal alias Rathi

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

***********SUMEET GOEL, J. (ORAL)**

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 bearing FIR No.526 dated 17.10.2024, registered for the offences punishable under Sections 111(2)(b), 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(6) of the Arms Act, 1959 (for short 'Arms Act') [Section 25(1-b)(a) of the Arms Act added later on], at Police Station Khedki Daula, District Gurugram.

2. The gravamen of the allegations against the petitioner is that on 16.10.2024, secret information was received to the effect that Dheeraj was sitting in his office in village Nakhrola along with 5-7 other persons, namely, Samunder @ Rathi (petitioner herein), Sagar, Manish and Vikas, who were stated to be the members of Ashok Rathee gang. Samunder

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(Petitioner) and Sagar had threatened one Mahesh Sharma, who was an employee in the Conscient Company and tried to extort money, but he refused. All the accused were planning to commit loot over there and to snatch their dumpers, as also to abduct aforesaid Mahesh Sharma and owner of the said company. They had pistols and revolvers. Then, police party entered the office. Total 04 pistols and 01 revolver, 05 magazine, 21 live rounds were allegedly recovered. Their sketches were prepared, and the case was registered. Two black colour Mahindra Scorpio were also taken into custody. The petitioner along with Samunder, Sagar, Manish, Anuj and Vikas were arrested.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 17.10.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Initially one FIR No.525 was registered on 16.10.2024 and no specific suspect had been named in the said FIR. The petitioner did not participate in any offence as alleged in the aforesaid FIR. Learned counsel has iterated that thereafter, second FIR, i.e., the instant FIR bearing No.526 was registered on 17.10.2024 on the allegations that the petitioner and others were making preparations for abducting the complainant in the earlier FIR, which led to their arrest. Learned counsel has further iterated that there is no substantial evidence to connect the petitioner with the alleged crime. He has argued that even, the complainant has retracted from his allegations in the first FIR and the said FIR stands quashed on the basis of compromise by this Court vide order dated 19.12.2024. Learned counsel has further argued that, once the FIR No.525 already stood registered on the complaint made by Mahesh Sharma, the subsequent FIR No.526 (present FIR), in which the petitioner

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has been implicated as accused, has been registered against the mandate of law as laid down by Hon'ble Supreme Court in *P.P. Antony Vs. State of Haryana* (2001) 6 SCC 181. Learned counsel has further iterated that the petitioner is in custody for more than 11 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 18.09.2025, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 17.10.2024 whereinafter investigation was carried out and challan was presented on 17.12.2024. Total 15 prosecution witnesses have been cited, out of which only 03 have been examined till date. It is indubitable that the conclusion of trial will take some time. The rival contentions raised at Bar 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 18.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 11 months and 02 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum

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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 cellphone 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.

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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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 19, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No