



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

224

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**CRM-M No.7643 of 2025  
Date of decision : 21.7.2025**

**Laxman alias Ladi****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Nikhil Mittal, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, 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.484 dated 30.9.2024, under Sections 110 (deleted later on), 115(2), 190, 191(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (Section 109 of BNS, 2023 added later on), registered at Police Station Kurukshetra University, District Kurukshetra.

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

*'Statement of Copy is as -Statement of Anil alias Mota son of Hari Kishan resident of Jyotisar police station KUK district Kurukshetra, age 23 years, mobile no. 74970-94381 has stated that I am a resident of the above name and address and I do labour work. I am educated upto 8th class. We are 3 brothers, elder brother's name is Gyani, younger one is Sunil, age 24*



*years and I am the youngest. On 29.09.2024 at around 10.00 PM, I was sitting on the roadside near Geeta Sthal Mandir Jyotisar, when about 5/6 boys came on 2 motorcycles without number plates, carrying axes, iron rods and sticks in their hands and said that this boy Anil alias Mota was also with Raju Nai, out of which I already know the name of one boy Rohit son Vinod Kumar resident Ambala Cantt, presently resident of village Raogarh district Kurukshetra. At the same time, all the boys stopped the motorcycle and started fighting with me, when I shouted for help, suddenly my brother Sunil, who works in bread supply, came to the spot with an e-rickshaw. One of the boys whose name and address is not known caught my brother Sunil and Rohit attacked Sunil's head with the iron rod that he was holding in his hand with the intention of killing him. The iron rod hit the right side of the head and another boy whose name and address is not known attacked the head from the opposite side with an axe that he was holding in his hand and it hit Sunil's head on the left side. Sunil fell unconscious due to the axe blow. 5/6 boys beat my brother Sunil and me with sticks and slaps and punches and seeing the crowd of people, they fled from the spot on their motorcycles with their weapons and while going they also said that today we have escaped, if we get a chance next time we will kill you. After that when my brother Gyani came to know about the fight, he also reached the spot and as Sunil was seriously injured, my brother Gyani and I arranged for a private vehicle and took him to LNJP Hospital, Kurukshetra, where after getting his injuries bandaged by the doctor, we took my brother Sunil to Metro Hospital, Kurukshetra for better treatment. Now my brother Suril is admitted in Metro Hospital, Kurukshetra in an unconscious state for treatment. You are requested to take legal action against the above-mentioned boys. I have got my statement written by appearing at the police station Jyotisar, I have read it which is correct. Sd/-Anil Attested Ranbir Singh, SI PP JSR Dt. 30/9/24*

*Action Police: - Today on 30.09.2024 at about 01.00 AM, information was received by Telephone from Metro Hospital Kurukshetra that Sunil son of Harikishan resident of Jyotisar police station KUK district Kurukshetra is admitted in the hospital due to injuries sustained in a fight; I/O should be sent for action, on which information Me SI along with SI Shamsher Singh Police Post Jyotisar reached Metro Hospital Kurukshetra, where after getting the medical note from the doctor sahab, a separate application was written to take the statement of the victim Sunil and presented it to the*



*doctor sahab, on which application the doctor sahab declared the victim Sunil unfit. Today Me, SI along with SI Shamsher Singh, present at the Police Post Jyotisar, when Anil alias Mota son of Harikishan, resident of Jyotisar, Police Station K.U.K., District Kurukshetra, came to the Police Post Jyotisar and presented MLR No. DS/368/2024/KKR dated 29.09.2024 of Sunil son of Harikishan, resident of Jyotisar, which is injury number 1 in the MLR, L/W of size 4x0.5 cm present over right frontal region of scalp. Adv NCCT head and surgeon opinion KUO Blunt and injury no. 2, L/W of size 5x0.8 cm present over left parieto temporal region of scalp. Adv. NCCT head and surgeon opinion. KUO Blunt. There are total 2 injuries in the complaint by doctor sahib, who accepted his above statement as correct and signed in English below his statement, which I verify. On finding that the statement and MLR above constitute offence under sections 191(3), 190, 115(2), 110, 351(2) BNS, an article is being written and SI Shamsher Singh no. 116/A, is being sent to the police station for registration of FIR. Me SI along with the complainant proceeded for the spot of incident. Today:- Police post Jyotisar Sd/- Ranbir Singh, SI Police post Jyotisar Date 30.09.2024.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.10.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the FIR-complainant as also the victim have been examined as prosecution witnesses and thus, there is no chance that the petitioner may influence substantial prosecution evidence. Learned counsel has further submitted that the only role attributed to the petitioner is that of fist blow. 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 19.7.2025



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 30.10.2024 upon a disclosure statement made by co-accused Rohit alias Mantri. Investigation was completed and challan was presented on 2.12.2024. Total 15 prosecution witnesses have been cited out of which only 5 have been examined till date. The rival contentions raised by 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.

As per custody certificate dated 19.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 6 days. As per the said custody certificate, the petitioner is stated to be involved in two other FIRs, including one under Section 506 IPC (in one FIR he was acquitted). 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**

**21.7.2025**

*Ashwani*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No