



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

239

**CRM-M No.36490 of 2025
Date of decision : 29.7.2025**

Goldy Bhatia.....**Petitioner**

Versus

State of Haryana.....**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankit Singla, Advocate, for
Mr. Sunny Tyagi, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

Mr. Chander Shekhar, Advocate, for the complainant

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.93 dated 14.4.2025, under Sections 115(2), 117(2), 118(1), 324(4), 333 and 351(3) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (Section 109(1) of BNS, 2023 added later on), registered at Police Station Kotwali, 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 the SHO, Police Station, Kotwali NIT FBD. Sir it is requested that I Manju Bhatia W/o Deepak Bhatia Resident of house no. IA/132 NIT FBD. That on 14.04.2025, at about 03:00 AM., Naresh @ Kalu Bhatia and his



younger son Abhay Bhatia were making noise after playing the loud music in his car, near my brother Jagdish Chopra Sio Kuldeep Chopra resident of 1J-4A NIT FBD. When my brother trying to stop them then they started abusing my brother and my sister-in-law (Chanda Chopra) and they left after some arguments. Thereafter, at about 4:30 AM Naresh @ Kalu Bhatia alongwith his two sons Goldy Bhatia and Abhay Bhatia came to house of my brother and threw bricks at the door and when my brother opened the door then Naresh @ Kalu Bhatia alongwith his two sons entered in the house and started beating up. Naresh Bhatia had hit on my brother's head with a liquor bottle and Goldy Bhatia started hitting my brother with a bat which was kept in the house. Thereafter, they dragged my brother in the street and Abhay Bhatia hit on my Brother's head with a brick, due to which my brother got injuries in his head. While leaving the spot, they threatened to kill my brother. My nephew Mayank Chopra made phone call to my cousin brother Gulshan Bhatia @ Billu and Kale Bhatia and called them at home and my cousin brother Guishan Bhatia @ Billu and Kale Bhatia took my brother at B.K. Hospital for treatment and come present at police station for giving the complaint. Legal action kindly taken against Naresh Bhatia and his two sons Goldy Bhatia and Abhay Bhatia. ISD'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.4.2025. Learned counsel has further argued that the offence under Section 109 of BNS, 2023 is not made out against the petitioner from the factual matrix of the case. Learned counsel has further submitted that the scuffle took place on account of a mis-understanding that has since been resolved. 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 28.7.2025 in Court, which is taken on record.



Learned counsel for the complainant has not opposed the grant of regular bail to the petitioner and has, in fact, ratified the aspect of the matter having been settled between the parties.

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

6. The petitioner was arrested on 20.4.2025 whereinafter investigation was carried out and challan was filed on 4.6.2025. Total 26 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that conclusion of trial will take its own time. The rival contentions 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 28.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three months and nine days. As per the said custody certificate, the petitioner is stated to be involved in three more FIRs registered under Section 506 of IPC etc. 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

29.7.2025

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No