

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24779-2025  
Reserved on: 08.07.2025  
Pronounced on: 24.07.2025

Mohit Singh Oliyan ...Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Naveen K.Sheoran, DAG, Haryana.

Mr. Vipul Sharma, Advocate, for the victim.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
566	18.10.2024	Saran, Faridabad, District Faridabad	191(2), 191(3), 190, 115(2), 324(4), 333, 109 and 351(2) of BNS

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 11 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“3. That the facts which led to file the present case are that the case was registered on the complaint of Lokesh Bansal S/o Daudayal R/o H.No-448/1, Parvatiya Colony, Gali No. 1, Faridabad. The contents of the complaint are being reproduced below for the kind perusal of this Hon'ble court:-*

*To, The SHO, police station Saran, Sir, I live on the above said address and runs a Medical store by the name of Dosmed Pharma along with my partner Akshay Goyal, in partnership. That on 16.10.2024 at about 5 PM, a scooty rider hit his scooty to our bike intentionally and fled from the spot. That on dated 17.10.2024 due to this grudge, Amit patwari along with his two friends, came in their car bearing no. HR-51-CC-2472, at our medical store. That I along with my partner Akshay Goyal and one boy named Amit were present there. That Amit patwari and his two friends came out of the car and started manhandling with me and Akshay Goyal and also said that if you mess with us we will kill you and all of them were under the influence of alcohol and ran away from there when people gathered there. A complaint was lodged regard to this incident on 17.10.2024 at Police station. That within 10 minutes of reporting the incident, 19-20 boys armed with baseball bats, iron rods and sticks came there with intention and attacked me, my partner Akshay and one customer Gaurav with intention to kill. We all three suffered head injuries and injuries on other parts of body. We know Amit Patwari and Rahul Godara*

*from these boys. They all were drunk. It is requested that FIR be registered against them. They all have threatened us to kill.”*

4. Counsel for the petitioner seeks bail on the ground of parity with co-accused Amit Chauhan @ Amit Chouhan, who has been granted the benefit of anticipatory bail, vide order dated 07.03.2025 (Annexure P-2) passed by this Court in CRM-M-55132-2024.

5. The petitioner’s counsel submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes is 07 years or more, he has no objection if the State files an application for cancellation of his bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State’s counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

*“17. xxx xxx*

*F. The evidence against the petitioner:- It is submitted that petitioner has been named in the disclosure statement of co-accused namely Ankit @ Golu and Amit son of Rambir. It is submitted that petitioner was seen in CCTV Footage. It is submitted that petitioner got recovered Fortuner car used in commission of crime and stick.*

*G. The role of petitioner:- It is submitted that petitioner has given blows to the victims by stick which was recovered from him alongwith other accused.”*

8. Counsel for the complainant submits that he has no objection if this Court grants bail to the petitioner.

**REASONING:**

9. The co-accused Amit Chauhan @ Amit Chouhan has already been granted the benefit of anticipatory bail and given the no objection of counsel for the complainant regarding grant of bail to the petitioner, he is entitled to bail. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 7 of the bail petition, the petitioner has been in custody since 07.02.2025. As per the custody certificate dated 12.06.2025, the petitioner’s total custody in this FIR is 04 months and 06 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

24.07.2025  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.