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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-11205-2025 (O&M)

Date of decision:-05.05.2025

SAHIL TIWARI ALIAS SAHIL RAJA BABU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Swarn Tiwana, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Sanjeev Majra, Advocate for the complainant.

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**SANJIV BERRY, J.(ORAL)**

**CRM-17734-2025**

1. The instant application has been preferred by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for amendment/modification in Head Note and Prayer Clause of main petition by adding Sections 109 BNS (307 IPC) added later on.

2. Application is allowed, subject to all just exceptions. Registry to make necessary amendments in Head Note and Prayer Clause of the main petition.

**Main case**

1. The instant petition has been preferred by the petitioner under



Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case Annexure P-1):-

FIR No.	Dated	Sections	Police Station
523	16.11.2024	110, 191(2), 191(3), 351(3) BNS 2023 (117(2) and 238 109 BNS added later on)	Palam Vihar, District Gurugram

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 16.11.2024, no specific overt act is attributed to the petitioner in the present FIR, which is doubtful on account of unexplained delay of 6 days in lodging thereof. He contends that even in the CCTV footage the petitioner is not seen causing any injury in the alleged occurrence and as such he prays for grant of bail to the petitioner as conclusion of trial will take sufficient long time.
4. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have assailed these arguments by submitting that petitioner and other co-accused had caused multiple injuries to the complainant, as such, petitioner do not deserve concession of bail, hence, they prayed for dismissal of the bail petition.
5. After considering the rival contentions and perusing the record, it transpires that the FIR was registered on the statement of Krishan Kumar stating that on 10.11.2024 he and his friend Ajit went to take tea on Old Delhi Road, Maruti Gate No.1 on Pandarpuri Tea Stall, and ordered two



cups of tea, after having tea he made the payment and told the vendor that the tea was not good upon which he started abusing them and called 7-8 other persons who caused injuries to them with Dandas, iron table and stones, hence the FIR.

6. It is evident from record that as per the allegations, the petitioner had caused injury to the complainant in the occurrence, wherein the other co-accused has also caused injuries to him, however, on being confronted the ASI Hari Kishan, Investigating Officer of the case has not disputed the fact that the petitioner is not visible in the CCTV footage of the occurrence inflicting injury to the injured. Admittedly, no specific overt act is attributed to the petitioner in the occurrence nor any injury have been caused by him. The petitioner was arrested on 16.11.2024, after completion of investigation, challan has already presented in Court wherein prosecution has cited 12 witnesses, but till date none of them have been examined. In this manner, the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**05.05.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |