



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

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**CRM-M No.45886 of 2025
Date of decision : 27.8.2025**

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

Present: Mr. Barjinder Singh, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

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.105 dated 3.4.2024, under Sections 302 and 34 of the IPC, registered at Police Station Bilaspur, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, Chowki Incharge Jamalpur, Police Station Bilaspur District Gurugram Sir, I request that I am Prince Kumar s/o Mr. Ajay Kumar Gupta Yam Karna, Post Parbatta PS Parbatta District Khagadia, Bihar, present address Tower No. 8 Flat No. 306 Da Royal Court Society Neemrana Alwar Rajasthan, my uncle Sanjay Das S/O Mr. Yogendra Prasad Gupta resident of gram Karna PS Parwata District Khagaria Bihar age 45 years was working at Jai Bharat Maruti Private Limited IMT Manesar who was working as an operator and my uncle Sanjay Dass was



living in a rented room in the village Baslambi at the house of Ramphal s/o Bsne singh, today on 3/04/2024 I got the information that my uncle Sanjay Dass has died, on which I reached my uncle's rented house in village Baslambi, I recognized my uncle's dead body after seeing it. I came to know that my uncle came to his house on 2/3/04/2024 night after returning from duty and was found dead in the morning inside the room. My uncle has a lot of injuries on his body. Some unknown person has beaten my uncle with a stick. And this beating took place in the room or when someone beat my uncle somewhere on the way from the company to the rented room while returning from duty. Due to the injuries caused by this beating, my uncle died. Legal action should be taken. The incident took place on 2/3-04-2024. SD-Prince Mob-8789955813.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 4.4.2024. Learned counsel has further submitted that the prime prosecution witness namely; Rahul, when examined as PW-5, has turned hostile and thus, there is no likelihood of the petitioner being convicted. Learned counsel for the petitioner has further submitted that the petitioner is a man aged 35 years and is the sole bread earner of his family. Learned counsel has further argued that there is no impending FIR/criminal proceeding against the petitioner. 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 26.8.2025 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 4.4.2024 and is in continuous custody since then. After culmination of investigation, challan was presented on 3.7.2024 wherein 26 prosecution witnesses have been cited out of which only 5 have been examined and one has been given up. Culmination of the trial, indubitably, takes its own time. The rival contention raised at Bar; including the weightage required to be attached to the testimony of hostile witness PW-5 (Rahul); shall be gone into 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 26.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, four months and twenty-three days. As per the said custody certificate, the petitioner is stated to be involved in two more FIRs registered under sections 174-A and 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

27.8.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No