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

CRM-M-64604-2024

Date of Decision:09.07.2025

NARENDER ALIAS BHANU

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Yuvraj Singh Chauhan, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.99 dated 15.04.2020, registered under Sections 307, 186, 332, 353, 216 & 120-B of IPC, 1860 & Section 25 of the Arms Act, 1959, Police Station Agroha, District Hisar.

2. The FIR in the present case was registered on the basis of the statement made by Vijendra Singh and the same has been reproduced below:-

“To, Managing Officer, Police Station Agroha, Today, Man Inspector along with ASI Anoop Singh 852, HC Baljeet 999, HC Ajay Kumar 313, EHC Sunil Kumar 1370, CT Hanuman 370 and government vehicle HR 20AR-9923 whose driver is CT Anil Kumar 85 and ASI Dharamveer Singh, ASI Mange Ram 295, HC Rohtash



1170, HC Jaibeer Singh 100, CT Manoj Kumar 1456, CT Rajendra Kumar 946 and government vehicle HR 20AE-8456 whose driver is ASI Satyawan 187 was present at Barwala Chowk Hisar in search of wanted criminal Narendra alias Bhannu son of Tulsi, caste Jat resident of Garhi, presently residing in Azad Nagar, Hisar, when a special informer met the police inspector and informed that in your case, wanted criminal Narendra alias Bhannu son of Tulsi, is present at Barwala Chowk, Hisar. Caste Jat resident of Gadhi, presently Azad Nagar, Hisar, along with his companions Sanjay Bishnoi and Manish, who along with their other companions had also looted a Mauser from village Dariyapur Dhani of police station Siwani, district Bhiwani. Today Ashok. son of Bhoop Singh Bishnoi, a resident of Malapur, is taking shelter with weapons in a hamlet built in a field. This hamlet is in an open place. If a quick raid is conducted then Narendra alias Bhannu along with his companions and weapons can be captured. As the information was true, I informed my fellow employees about the information and prepared two separate raiding parties. With me were ASI Anoop Singh 852, HC Baljeet 999, HC Ajay Kumar 313, EHC Sunil Kumar 1370, CT Hanuman 370 and government vehicle HR 20AR-9923 whose driver is CT Anil Kumar 85 and in the other vehicle was ASI Dharamveer Singh 343 along with ASI Mange Ram 295, HC Rohtash 1170, HC Jaibeer Singh 100, CT Manoj Kumar 1456, CT Rajendra Kumar 946 and government vehicle HR 20AE-8456 whose driver ASI Satyawan 187 was prepared and instructed that the village is in an open area and the criminals are armed and can attack the police party. While being cautious, the village has to be surrounded from all sides and raided, on which the Inspector along with his co-workers and a passenger vehicle reached the village Ashok Kumar as per the information given by the government's informer. As soon as the vehicles stopped, three boys ran out of the village, Narendra alias Bhannu ran away from the village towards the north in the



wheat fields waving weapons in their hands and two boys ran away towards the south of the village waving weapons in their hands and were saying that Bhannu, shoot the police party or else we will be caught. On this the Inspector along with his co-workers chased Narendra alias Bhannu and ASI Dharamveer, as per instructions, along with his companions, started chasing the two boys and the Inspector along with his companions was chasing Narendra alias Bhannu. When the distance between me and Narendra alias Bhannu became about 15 feet, Bhannu lay down on the raw hide and fired at me from behind, upon which I immediately took cover in the wheat field with the raw hide basket and my fellow employees who were following me also took cover and the inspector fired an aerial shot, at the same moment Narendra alias Bhannu stood up and pointing his pistol started challenging me saying that I have an automatic Mauser, don't chase me or else I will kill you, upon which Narendra alias Bhannu fired another shot at me which passed over me, upon which the inspector, while defending himself, using the minimum appropriate force, fired a shot from his official pistol towards Narendra alias Bhannu which hit Narendra alias Bhannu's left leg, upon which he sat down and his pistol fell down. On which the Inspector, with the help of a fellow employee, overpowered Narendra alias Bhannu and asked his name and address. He told his name as Narendra alias Bhannu, son of Tulsi, caste Jat, resident of Gadhi, presently Azad Nagar, Hisar. When he was searched as per rules, a 315 bore pistol was found in the right pocket of his pant and two live cartridges of 315 bore were found in the right pocket of his pant. When the pistol was opened and checked, it was found to be empty. Its blueprint was prepared separately and measured. The length of the barrel of the pistol was 13 CM, length of the body was 10.2 CM and length of the butt was 10.2 CM. The pistol and cartridges were kept in a separate bundle and the Mauser 30 bore lying on the ground was picked up and



emptied in which three rounds of 30 bore were found live. A separate blueprint of the Mauser 30 bore was prepared and measured, the length of the barrel of the Mauser was 14 CM and the length of the body was 12.5 CM and the length of the butt was 7.5 CM on whose butt there was a registered mark. No. 13494 is wounded, a separate bundle of cartridges was prepared and kept. During this time ASI Dharamveer presented a young boy along with a 32 bore pistol to the police inspector. The injured Narendra alias Bhannu was handed over to ASI Dharamveer 343 along with constable Rajendra Kumar 946 and Narendra alias Bhannu was sent to Civil Hospital Hisar for treatment in government vehicle HR 20 AE-8456, driver ASI Satyawan 187. When the name and address of the young boy presented by ASI Dharamveer Singh was asked, he told his name as Sanjay son of Ramswaroop, caste Bishnoi, resident of Burjbhaggu, district Sirsa. When the magazine of the 32 bore was taken out and checked, four live cartridges of 32 bore were found. After emptying the magazine and putting it back in the pistol, a separate sketch was prepared and measured, the length of the barrel of the pistol was 9.5 cm and the length of the body was 16 cm. The length of the CM and butt was 8.5 CM for which a separate bag with cartridges was kept and ASI Mangeram presented a young boy with a pistol of 32 bore and a magazine to the police inspector. When asked his name and address, he told his name as Manish alias Kalia son of Sewa Singh, caste Jat, resident of Alakhpura, district Bhiwani. When the search was carried out as per rules, a 315 bore pistol and two cartridges of 315 bore were found in the left pocket of the pant he was wearing. When the pistol was opened and checked, it was found to be empty. A separate sketch was prepared and measured. The length of the barrel of the pistol was found to be 12 cm, the length of the body was 10.3 cm and the length of the butt was 10 cm. The pistol and the cartridges were kept in a separate stack. When the 32 bore magazine was taken out and checked, four 32 bore cartridges were found to be



live. The magazine was emptied and put back in the pistol, a separate sketch was prepared and measured. The length of the barrel of the pistol was found to be 10 cm and the length of the body was 15.5 cm and the length of the butt was 9 cm. For which a separate Palanda was prepared with cartridges and an extra magazine and all the Palandas were stamped with BS seal and taken into police possession through separate Fards; after the seal was used and kept, the sample seal was handed over to ASI Anoop Singh 852; signatures of witnesses and accused were taken on all the Khakazats and Fardaats; and on questioning by the Police Inspector Narendra alias Bhannu told that I have a good friendship with Vikram son of Ashok Kumar caste Bishnoi resident of Malapur; about 3-4 days ago Vikram brought me and my friends to the hut built in his farm and Vikram told me that if the police comes, then all of us together will attack the police with weapons and we have the weapons with us. Since Muslims Narendra alias Bhannu, Manish alias Kaliya, Sanjay Bishnoi, by obstructing the official work of the police and by attacking the police party with intent to kill and Vikram by giving shelter to Narendra alias Bhannu etc. in his house and instigating them to kill the police party, have committed the offence under sections 307, 186, 332, 353, 216 & 120B IPC and 25-54-59A Act, therefore, a written complaint should be lodged with the police station under section 370 of the said Act, and for further investigation of the case, any other competent officer should be sent to the spot. I, along with my inspector and fellow employees, reached the spot for investigation. Special report of this case should be sent through the carrier to the officers and area magistrate. Age- Bahd Rakba Mallapur Inspector Vijendra Singh Incharge CIA Staff Hisar Date 15-04-2020.”

3. Learned counsel for the petitioner contends that in fact the allegations levelled by the complainant in the present case are apparently false



and no injuries were sustained by the raiding party during the incident. Rather the petitioner had suffered the fire arm injuries in the present case. Thus to save themselves from the criminal prosecution, the complainant and other police officials managed to get a false case registered against the petitioner. Learned counsel further submits that the occurrence had taken place at a public place, but no independent witness was joined in the present case. Even during the process of recovery of weapons as well as conducting the raid, no villager was associated. He further contends that in the present case co-accused Manish Kumar and Sanjay have also been granted the concession of bail. The petitioner was arrested in the present case on 15.04.2020 and is in custody since then.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 10 more FIRs were registered against the petitioner and the petitioner is a hardened criminal. He further submits that only 06 witnesses out of total 17 witnesses have been examined so far.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner is in custody since 15.04.2020 i.e. about 05 years and 03 months. Still the prosecution has not been able to conclude the evidence and there is inordinate delay in concluding the trial. This certainly violates the rights of the petitioner under Article 21 of the Constitution of India, which guarantees and ensures a fair and speedy trial. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his



furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the*



State of Haryana shall be at liberty to move an appropriate application in this regard.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

09.07.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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