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

**CRM-M No.2215 of 2025
Date of Decision: 11.03.2025
Reserved on: 06.03.2025**

Sonu alias Don ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sharad Choudhary, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

| FIR No. | Dated | Police Station | Sections |
|----------------|--------------|-----------------------------------|--|
| 0380 | 21.10.2023 | Badhra, District Charkhi Dadri | 323, 341, 307, 506 and 34 of IPC (325 of IPC added later on) and 25 of Arms Act, 1959 |

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Mahesh @ Titta on 21.10.2023 alleging therein that on 20.10.2023, he had taken his sister-in-law Roshni who was sick, to some doctor at Badhra on his scooty. While they were on the way back and were passing through the kacha path of Village

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Jevali, the accused Sandeep son of Harbir and Sandeep son of Anil reached there in a motorbike. They stopped the complainant. In the meanwhile, the accused Sachin reached there in a motorbike. One youth was accompanying him. Both of them opened an assault upon him. Sachin struck blows with an axe thereby injuring his left hand. His sister-in-law Roshni rushed for his rescue and she too sustained injuries at the hands of accused Sachin. Then the youth who was accompanying the accused Sachin fired a shot with pistol thereby injuring the abdomen of the complainant. In the meanwhile, some passersby had reached there and then the assailants fled away. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 06.11.2023. He was interrogated and suffered disclosure statement admitting that he had fired a shot with pistol upon the complainant. He also got recovered the weapon used at the time of crime and also his motorcycle. The accused Sachin was arrested on 17.01.2024. The two persons namely, Sandeep son of Harbir and Sandeep son of Anil were found to be innocent and had not been arrested and challaned. The investigation stands concluded and the petitioner along with the co-accused Sachin is facing trial for commission of the aforementioned offences.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 06.11.2023. He was not named in the FIR. The complainant himself is a man of criminal antecedents as he had killed the uncle of the co-accused Sachin and was in custody. A false recovery has been planted upon him. His further incarceration would not serve any purpose. The version in the FIR is not

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reliable as the two persons named as accused i.e. Sandeep son of Harbir and Sandeep son of Anil had been found to be innocent. The co-accused Sachin has been extended benefit of bail. On parity, he too deserves to be given the same benefit. The trial would take substantial time. Therefore, it was argued that he deserves to be released on bail.

4. Status report had already been filed by the respondent-State. Learned Assistant Advocate General, Haryana had argued that there are serious allegations against the petitioner. He is a habitual offender since one murder case, one case under the provisions of Arms Act and one case under the provisions of Excise Act is pending against him. There are chances of his absconding if extended benefit of bail and there are also chances of his intimidating the witnesses. Therefore, it was argued that the petition does not deserve to be allowed.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner along with the co-accused is alleged to have assaulted the complainant and his sister-in-law Roshni on the fateful day. As per the medico legal report, the complainant has sustained a firearm injury which is alleged to have been inflicted by none other than the petitioner. An application for summoning the above named Sandeep son of Harbir and Sandeep son of Anil is stated to have been filed by the prosecution which is pending before the trial Court. The investigation stands completed. The petitioner is in custody since 06.11.2023. The trial would take time. No purpose would be served by keeping the petitioner in custody any more. His

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involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. As per the discussion made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds with surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and further subject to the condition that till the conclusion of the trial, he shall appear before the concerned Police Station once on the first Monday of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

(MANISHA BATRA)
JUDGE

11.03.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No