

CRM-M-4249-2025

2025:PHHC:131845



226

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

CRM-M-4249-2025

Date of decision: September 23, 2025

Vijay

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Dr. Pankaj Nanhera, Advocate and
Mr. Pradeep Duhan, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

***********SUMEET GOEL, J. (ORAL)**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.)/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.329 dated 27.04.2023, registered for the offences punishable under Sections 147, 149, 307, 323, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station HTM, District Hisar, Haryana.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Bijender, stated that on 26.04.2023, at around 10:15 p.m., his younger brother, Rahul, had gone on his motorcycle to Keshav Cream Dairy, Vinod Nagar Mill Gate. There, Vijay Bajad (petitioner

CRM-M-4249-2025

herein), Anil Bajad, Sandeep @ Dipra, Manoj @ Mauja, Gholu Bachhi @ Ajay Nayak, Vikas Goyal, and 5–6 other persons allegedly attacked Rahul. Sandeep slapped Rahul, while Vijay (petitioner) grabbed him by the neck. In self-defense, Rahul reportedly slapped Sandeep. Thereafter, Sandeep allegedly took out a pistol and shot Rahul in the leg. Anil Bajad is said to have exhorted everyone present to kill Rahul. Subsequently, Vijay Bajad (petitioner) allegedly fired a pistol at Rahul, hitting him in the stomach, causing him to fall down. Vijay Bajad (petitioner) then fired shots in the air and threatened that anyone who dared to confront them would be killed.

The complainant further alleged that Rahul called him and narrated the entire incident over the phone. He then brought Rahul first to Civil Hospital, Hisar, and subsequently to Sapra Hospital, Hisar. The complainant alleged that about one and a half years prior, there had been an altercation with Sunil regarding the sale of liquor, and that Vijay Bajad (petitioner), Anil Bajad, Sandeep Bajad, Golu @ Bachhi @ Ajay, Manoj @ Mauja, Vikas Goyal, and 5–6 others, at the behest of Raja Gujjar and Sunil Rawat, attempted to murder his brother by firing shots at him.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 29.04.2023. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the trial is going on at a slow pace and the injured already stands examined as prosecution witness. Learned counsel has further iterated that the petitioner has suffered incarceration of more than 02 years. Thus, regular bail has been prayed for.

CRM-M-4249-2025

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.09.2025 in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.04.2023 whereinafter investigation was carried out and challan was presented on 29.06.2023. It is not in dispute before this Court that total 14 prosecution witnesses have been cited, and out of which, only 07 (including the injured) have been examined till date. The rival contentions raised at Bar give rise to debatable issues, which 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 22.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 04 months and 23 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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

CRM-M-4249-2025

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 cellphone 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

CRM-M-4249-2025

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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No