

CRM-M-31026-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-31026-2025  
Reserved on: 10.09.2025  
Pronounced on: 24.09.2025

SHISHPAL ALIAS SHISHPAL BHADANA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Birender Bikram Attrey, AAG, Haryana.

Mr. Pankaj Nanhera, Advocate with  
Mr. Rahul Gautam, Advocate and  
Mr. Deepender Pratap, Advocate for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	08.02.2025	Surajkund, District Faridabad	191(3)/190/115/115(2)/ 324(4)/351(2)/126/126(2)/ 109/117(2) BNS, 2023 and Sections 24/25 of Arms Act, 1959, (Section 115/126/351(2) of BNS, 2023 and 24 of Arms Act were deleted and Section 109/115(2)/126(2)/117(2) of BNS and 25 of Arms Act were added later on

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 20 of the bail application and the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Sta- tion
1.	496	06.08.2021	188 IPC, 51 of Wild Life Protection Act,	Suraj Kund
2.	499	07.08.2021	448 IPC	Suraj Kund
3.	512	13.08.2022	4, 5 of Punjab Land and Preservation Act	Suraj Kund
4.	341	16.08.2013	323/325/34 IPC	Suraj Kund

5.	03	02.01.2014	188 IPC	Suraj Kund
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3. The facts and allegations are taken from Paragraph 4 of the reply dated 9th July 2025 filed by Assistant Commissioner of Police, which reads as follows:

*“I Vishal Bhadana son of Bijender Bhadana resident of H.no. C-3278, Green Field Colony, Faridabad. We have land in Katan Pahadi Pipe factory. This land is under dispute with Sheeshpal son of Chander, Selak @ Billu son of Santa and others, all residents of Village Anangpur, Faridabad. On 06.02.2025, at around 11 12 at night, 15-20 boys including Selak, Rahul, Rohit, Sunil @ Tony. Vivek, Pravesh, Ankit, Rocky, Sahil, Nandu, Krishna, Ajay, Suresh Pandit, Rajesh and about 5-6 other person broke the boundary wall and gate of our above mentioned land. In this regard we reported the matter to the police by calling 112 on the same night. On the next day on 07.02.2025, at around 10 in the morning, when I went to my above mentioned land, I got the work started again to restore the broken houndary wall. After some time 15-20 boys including Selak, Rahul, Rohit, Sunil @ Tony, Vivek, Pravesh, Ankit, Rocky, Sahil, Nandu, Krishna, Ajay, Suresh Pandit, Rajesh and about 5-6 other person came with lathi, danda and rods in their hands. Out of these people Sagar and Sahil had pistols. When all of them came to our above- mentioned land, I called my father and informed him about the entire matter. Then all of them said that today let us eliminate Bijender. In a short while my father was coming to the spot in his car bearing no. HR-51-CB-4646 Innova. Then just before the spot all of them stopped my father in the way and broke the side glass of the car and pointed pistol on the temporal region of my father and pulled him out of his car. All of them, after Jaying my father on the ground started hitting him with hammers and iron rods on his hands and legs with intention to kill him. When I ran towards them to save my father, the above mentioned people surrounded me and hit me with lathi and danda, all of them attacked my father with the intention of killing him in a preplanned manner. You are requested to take legal action agamst all the above mentioned persons as SOUR as possible and arrest the accused and take further action. I will be highly grateful.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. The Complainant's Counsel opposed bail and stated that after the registration of the affair on 8th July 2025, the petitioner, Sheeshpal, along with one of the co-accused, Selak, obstructed his way, came out of their vehicle and told him that in case he does not withdraw the complaint, then they would kill him, and to withdraw of present case. The petitioner Counsel further submits that by taking advantage of the interim stay on arrest in favour of the petitioner, petitioner trying to exert pressure on him, and as such, another FIR number 386 dated 08.09.2025 was registered against the petitioner and the co-accused.

**REASONING:**

8. An analysis of the arguments made by the petitioner, the state, as well as the complainant, and pleadings would lead to the following outcome.

9. It would be appropriate to refer to para 6, 12, 21, 23, 26 of the preliminary submissions made in reply dated 09-07-2025, which read as follows:

*"6. That after lodging the FIR, the investigation was set into the motion spot was inspected minutely, rough site plan was prepared, CCTV footage was taken into possession and statement of witnesses were recorded. That during the course of investigation on 11.02.2025, opinion of doctor was taken regarding the injury sustained by the injured Bijender to which doctor gave his opinion as "AS PER THE HOSPITAL RECORDS MR. BIJENDER SINGH (HOSPITAL NO. AFB000349432) HAS FRACTURE MULTIPLE RIBS WITH LUNG CONTUSION, LIVER BLEEDING, RIGHT ARM FRACTURE, RIGHT FOREARM FRACTURE, L DISTAL RADIUS AND ULNA FRACTURE, OPEN FRACTURE L LEG BONES, OPEN FRACTURE R LEG with COMMINUES HE HAS UNCONTROLLED DIABETES AND VASCULAR DISEASE. HE ALSO HAS KIDNEY FAILURE. HE WAS RESUSCITATED IN ICU AND STILL NEEDING CARE WITH UNPREDICTABLE OUTCOME. I FEEL THESE ARE SERIOUS AND LIFE THREATENING CONDITION.*

12. That during the course of investigation on 09.04.2025, on the direction of the Hon'ble High Court opinion regarding the injury sustained by injured Bijender were taken from Board of BK Hospital, Faridabad and board gave its opinion regarding the injuries that they are dangerous to life. Translated copy of opinion of board is attached as Annexure R-7.

21. That during the course of investigation on 09.06.2025, Petitioner was joined in the investigation after the direction of the Hon'ble High Court vide order dated 29.05.2025. That during the course of investigation Petitioner was arrested in this case after finding sufficient against him. That during the course of interrogation Petitioner suffered his disclosure statement vide which he admitted his involvement in the above said crime and got demarcated the place of occurrence. That during the course of investigation Petitioner got recovered the iron pipe used in the commission of crime. Translated copy of disclosure statement of Petitioner is attached as Annexure R-8.

23. It is submitted that Petitioner has been specifically named in the FIR and by the complainant as main conspirator. It is submitted that as per the interrogation of Petitioner he confessed that he had beaten the complainant with iron pipes which caused the serious injury to them and iron pipes was recovered from him.

26. It is submitted that Petitioner is a habitual offender. It is submitted that there is six other FIR except the present one against the Petitioner as per the official record of ICJS.

i. FIR NO. 496/2021 U/S 188 IPC & 51 of Wildlife Protection Act PS Surajkund, Faridabad. Petitioner is on bail in this case.

ii. FIR NO. 499/2021 U/S 448 IPC PS Surajkund, Faridabad. Petitioner is on bail in this case.

iii. FIR NO. 512/2022 U/S 4, 5 of Punjab Land and Preservation Act PS Surajkund, Faridabad.

iv. FIR NO. 501/2021 U/S 188, 51, 153A IPC PS Surajkund, Faridabad. Petitioner is on bail in this case.

V. FIR NO. 341/2013 U/S 323, 325, 34 IPC PS Surajkund, Faridabad. Petitioner has been acquitted in this case.

vi. FIR NO. 03/2014 U/S 188 IPC PS Surajkund, Faridabad.”

10. The contents of FIR, as well as the investigation, do point out that the petitioner was one of the main conspirators and also had a motive. It was the petitioner who had initially stopped the victim and had also inflicted injuries on him. Even the weapon of offence was recovered from him when this court had stayed the petitioners' arrest and had directed him to join the investigation. The medical report points out two fractures of

multiple ribs, which shows cruelty in the assault.

11. After a coordinate branch of this Court granted interim bail to the petitioner. Vide order dated May 29, 2020. During the interregnum, there's an allegation made by the victim against the petitioner and one of the co-accused threatened him and to do away with their life and pressured them to withdraw the present FIR. Based on such information, another FIR #386 was registered in the Police Station Suraj Kund in Faridabad on 8th July 2025. This shows the conduct of the petitioner even when he was on interim bail. Additionally, the petitioner has a criminal bent of mind, which is corroborated by the massive number of FIRs registered against him.

12. The petitioner acted with cruelty, which is corroborated by the nature of the injuries.

13. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.<sup>1</sup> The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

14. The petitioner's last submission is bail on grounds of parity with one of the co-accused to whom a coordinate bench of this court had granted anticipatory bail. The copy of the order CRM-M-15009-2025 is annexed to the bail petition. Vide order dated 24th April 2025, the coordinate bench of this court had granted bail to one of the co-accused named Rajesh Bhadana because no specific role was attributed to him. The petitioner is not entitled to bail on parity with Co-accused Rajesh Badana for the reason that the petitioner was not only named in the FIR, but he had also waylaid the victim, and injuries were attributed to him. Further, the present petitioner had the motive and is the main conspirator. Additionally, even during the pendency of the anticipatory bail application, there is an allegation of his threatening the victim.

15. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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<sup>1</sup> In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. **Petition dismissed.** All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)  
JUDGE**

24.09.2025  
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Whether speaking/reasoned: Yes  
Whether reportable: No.