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

**CRM-M-51270-2024**

**Date of Decision: 25.03.2025**

**SURENDER**

....Petitioner(s)

**VERSUS****STATE OF HARYANA**

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Rahul Gahlian, Advocate for  
Mr. Shokeen Singh Verma, Advocate  
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

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**SANJAY VASHISTH, J. (Oral)**

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Surender	290	24.09.2019	307, 384, 506 and 34 IPC and 25, 54, 59 of Arms Act	Siwani	Bhiwani

2. Learned counsel for the petitioner *inter alia* contends that name of the petitioner is not there in the FIR, his name has been involved



on the basis of disclosure statement of Anil @ Bijender Serla. Therefore, there being no admissible evidence available with the prosecution against him, chances of conviction are more weak.

Counsel further submits that petitioner is inside jail for a period of more than 01 year and out of total 15 prosecution witnesses, only 02 prosecution witnesses have been examined till date. Only injured in the case is Kuldeep, who suffered a simple injury on the palm of his hand and no one else has been injured. No specific role has been attributed to the petitioner. Main accused who was named in the FIR i.e. Anil @ Bijender Serla has already been extended the benefit of regular by this Court vide order dated 11.06.2020 passed in CRM-M-12397-2020. Case of the petitioner is on better footing and, therefore, deserves the concession of bail.

3. On the other hand, learned DAG Haryana, submits that in the present case, petitioner was declared as proclaimed offender by learned trial Court vide order dated 11.12.2023 and if the concession of bail is granted to the petitioner, there would be every likelihood that he would be absent on the date when the evidence is to be recorded, which may cause delay in the trial proceedings.

Learned DAG Haryana, has also filed status report dated 21.03.2025, wherefrom it is noticed that petitioner is involved in 09 other cases, details of which are as under:-

- “i) FIR No. 81 dated 12.05.2017, under sections 147/148/149/323/302/379B/120B IPC, P.S. Siwani, in this case the present petitioner is in custody and trial of the case is pending for defence evidence for 21.03.2025.
- ii) FIR No. 79 dated 11.04.2024, under sections 25-54-59 Arms Act, P.S. Siswani, in this case the present petitioner is



in custody and trial of the case is pending for prosecution evidence for 21.03.2025.

- iii) FIR No. 292 dated 24.09.2019, under sections 147/148//323/506 IPC and 25-54-59 Arms Act, P.S. Siwani, undergone vide order dated 26.07.2021.
- iv) FIR No. 253 dated 16.08.2019, under sections 323/341/506/34 of IPC, P.S. Siwani, in this case the present petitioner has been acquitted.
- v) FIR No. 67 dated 07.03.2023, under sections 61-4/2020 EX Act and 120B of IPC, P.S. Siwani, in this case the present petitioner is in custody and trial of the case is pending for prosecution evidence for 24.03.2025.
- vi) FIR No. 318 dated 06.09.2022, under sections 427/506/34 of IPC, P.S. Siwani, in this case the present petitioner is on bail and trial of the case is pending for prosecution evidence for 01.04.2025.
- vii) FIR No. 343 dated 26.11.2023, under sections 147A of IPC, P.S. Siwani, in this case the present petitioner has been convicted.
- viii) FIR No. 153 dated 18.09.2019, under sections 397/458/34 of IPC 27 of Arms Act, P.S. Balara, Sikar, Rajasthan, in this case the present petitioner is in custody and trial of the case is pending.
- ix) FIR No. 160 dated 18.09.2019, under sections 324/326/307/34 of IPC and 27 Arms Act, P.S. Sadar Fatehpur, Sikar, Rajasthan, in this case the present petitioner is in custody and trial of the case is pending.”

4. I have heard learned counsel for the parties and gone through the record with their able assistance.

5. Court is informed that the main accused Anil @ Bijender Serla is also prosecuted in about 10 criminal cases.



6. Considering all the circumstances and the fact that main accused has already been ordered to be released on bail; name of the petitioner is not mentioned in the FIR; out of total 15 prosecution witnesses, only 02 have been examined and the petitioner is there inside jail for the last more than 01 year, this Court deems it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. However, it is clarified that petitioner or any other accused if remain absent, except on being confined in any jail, the prosecution would immediately file an application for cancellation of bail of any such accused including the petitioner. In other words, trial need not to be prolonged for non-appreciable conduct of the accused and especially, who are enjoying the concession of bail.



11. With the aforementioned observations, petition stands disposed of.

**March 25, 2025**  
Sangeeta

**(SANJAY VASHISTH)**  
**JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No