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

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CRM-M-16125-2025 (O&M)
Date of decision: 11.07.2025

Dharmender @ Golu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sushil Sheoran, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 38 dated 13.02.2025, registered under Sections 3(5), 115(2), 331(6), 331(7) and 351(2) of Bharatiya Nyaya Sahita, 2023 (*for short 'BNS'*) [Section 351(2) was deleted Sections 351(3) and 331(7) of BNS added later on] at Police Station Sadar Dadri, District Charkhi Dadri.

2. As per the allegations, on the night of 12.02.2025, complainant Sunil Kumar was sleeping in his house, when four persons, namely Jai Pal, Rinku, Tinku and Sahil, all resident of his village, entered into his house while armed with sticks. They opened assault upon the complainant and his wife and extended beatings to them with sticks. They committed theft of an amount of Rs.50,000/- kept in the refrigerator and snatched a gold neck chain of his wife. On clamour being raised, they fled away while extending threats to the complainant. The complainant and his wife were medically

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examined. On the basis of his statement, the present FIR was registered. Investigation proceedings were initiated. During investigation, Rinku and Jai Pal, named in the FIR, were found to be innocent. Offence under Section 351(2) of BNS was deleted and offences under Sections 351(3) and 331(7) of BNS were added. During the course of investigation, the statement of the nephew of the complainant was recorded, who produced on record CCTV footage of the occurrence and identified the petitioner as one of the assailants. The petitioner was as such nominated as an accused in this case. He was arrested on 19.02.2025. Investigation now stands completed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. In the CCTV footage, only 03 persons were found entering into the house of the complainant. No recovery has been effected from him. As per the allegations, he was having muffled face at the time of occurrence but this was not the prosecution version. The CCTV footage did not show him. No injury has been attributed to him. His further incarceration would not serve any useful purpose. The petitioner is in custody since 19.02.2025. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has

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argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with co-accused is alleged to have criminally trespassed into the house of the complainant during night time and is further alleged to have assaulted his wife and himself and voluntarily caused injuries to him, which have been opined to be simple in nature. He was not named in the FIR and it is debatable as to whether the CCTV footage showed his presence at the time of occurrence. He is in custody since 19.02.2025. Trial will take some time to conclude. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11.07.2025

Wassem Ansari

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No