



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

266

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**CRM-M No.43529 of 2025  
Date of decision : 1.9.2025**

**Gyanender** .....**Petitioner**  
**Versus**  
**State of Haryana** .....**Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R.S. Hooda, Advocate, for the petitioner

Mr. Vishal Singh, AAG, Haryana

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

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.363 dated 18.11.2024, under Sections 103(1), 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bahalgarh, District Sonipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'To the SHO, P.S. Bahalgarh, District Sonipat. It is submitted that I Mukesh wife of Kaptan am resident of Village Mukinpur. I have one son and a daughter. That my elder daughter is married. That on 16.11.2024, I had come to my maternal uncle's house in Village Katwal. That yesterday on 17.11.2024, my husband Kaptan called me on phone and informed that Raju s/o Attar Singh r/o Village Mukinpur is giving him beatings and his brother Sonu is also with him alongwith one unknown person. All three persons are threatening him that today they would kill me. On receipt of*



*information, I reached at home today on 18.11.2024. When I reached home, I found dead body of my husband in a pool of blood at my house. My brother-in-law (Jeth) Balbir told me that yesterday on 17.11.2024 at around 11:00 pm, Sonu, Raju and one more person had come in a vehicle, they put Kaptan in the vehicle and fled away while extending threats of elimination to him as well. That the said vehicle was of white colour and its number could not be seen. All these facts were told to me by my brother-in-law Balbir. It is requested to take strict legal action against above said three persons. Sd/- Mukesh 89309-37884.'*

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 2.12.2024 and is in continuous custody since then. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime prosecution witnesses namely, PW-1-Mrs. Mukesh (wife of deceased and FIR-complainant) as also PW-2-Balbir (brother of the deceased) have turned hostile, thus, trial is not likely to be culminated into conviction of the petitioner. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has iterated that the petitioner is involved in one more case pertaining to Section 420 of IPC. Learned State counsel seeks to place on record custody certificate dated 31.8.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 2.12.2024 and is in continuous



custody since then. Challan in the present case was presented on 23.1.2025. Total 22 prosecution witnesses have been cited out of which only 6 have been examined till date. It is not in dispute that the prime private prosecution witnesses stand examined. The rival contentions raised at the Bar give rise to debatable issues which shall be ratiocinated upon 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 31.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 9 months. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under section 420 of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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 cell-phone 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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 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.

**(SUMEET GOEL)**  
**JUDGE**

**1.9.2025**

*Ashwani*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No