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CRM-M No.38360 of 2025

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

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**CRM-M No.38360 of 2025
Date of decision : 1.9.2025**

Dev Malik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akashdeep Singh, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

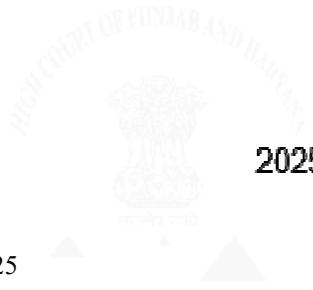
Mr. Amit Parashar Advocate, for the complainant

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.258 dated 23.4.2024, under Sections 147, 307, 120-B, 506 and 325 of IPC (Section 325 of IPC added later on), registered at Police Station Sector 8, Faridabad, District Faridabad.

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, Incharge, Police Post, Sector 8, Faridabad. Subject: Complaint for taking legal action against the accused Dev Malik, Vaibhav Malik, Yash Malik sons Sector Shiv Singh Malik, Sonu Malik, Ramkishan Malik, Shivram Malik, Pappal Malik, Dara Malik, residents of village Sihi. Sir, I, applicant Yashveer son Sahdev, am resident of village Sihi, 8, Faridabad.



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Yesterday 22.4.2024 at about 11.30 PM, I and my brother Nahar Singh when we came out of the house to park our car, Dev Malik, Vaibhav Malik, Yash Malik, Sonu Malik was already sitting in two cars drinking alcohol minutes with the for about intention on and 15-20 of commission of crime. As soon as we came out, Yash Malik, who was sitting with Dev Malik in the red Toyota car, saw us and shouted and said run car over them, we will kill them today. Then Dev Malik drove the Toyota car at full speed over us with the intention of killing both of us brothers. I fell under the car due to the collision. Then after that Vaibhav Malik and Sonu Malik, who were sitting in the BALENO car, shouted and said that do not leave them alive today, we will kill them today. Vaibhav Malik was shouting and saying that we have killed one person and we will not spare you either. About 2 minutes after that, Ramkishan Malik, Shivram Malik Pappal Malik and Dara Malik in the WAGONR car came and started saying that today we have killed person; not leave anyone alive in your will family. one we above-mentioned Sir, the culprits had prepared fake and false documents of a public chaupal of our village and got the property ID of the said chaupal made in their name, about which my father had complained to the Municipal Corporation officials and the Grievance Committee, grudge, all due the to this above-mentioned culprits attacked upon us in connivance with each other. Strict action be taken against the accused persons. I am giving you the CCTV footage of this incident in the Pen Drive along with the documents. Applicant dated 23.4.2024 Yashveer son of Sahdev, Mobile No.9999988745.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.2.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on a long pending dispute between the accused-side and the complainant-side on account of a public village *chaupal*. Learned counsel has further argued that the injured namely Yashveer when brought to the hospital by his father Sahdev has reported to the incident that of a road side incident. Learned counsel has further argued that the nature of the injury caused



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does not bring forth the offence of Section 307 of IPC. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is 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 seeks to place on record custody certificate dated 29.8.2025 in Court, which is taken on record.

4.1 Learned counsel appearing for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct and serious allegations against the petitioner. Learned counsel has further argued that, in fact, the factum of there being a dispute between the rival parties is the actual motive to commit the offence in question. Learned counsel has further argued that the nature of the injury, by itself, is not sufficient to discard the prosecution version of Section 307 of IPC. Learned counsel has further argued that the intent is primarily to be seen. Learned counsel has further argued that in case the petitioner is enlarged on bail, there is all likelihood of the petitioner to abscond from the process of justice.

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

6. The petitioner was arrested on 21.2.2025 wherein after investigation was carried out and challan stands presented on 28.7.2025. Total 14 prosecution witnesses have been cited however, none has been



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examined till date. Conclusion of the trial, but of course will take its own time. 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.

As per custody certificate dated 29.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 6 months and 9 days & is not shown to be involved any other case.

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/Illaqa Magistrate.



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(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