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

**CRM-M No.52230 of 2024 (O&M)
Date of decision: 25.10.2024**

Gourav

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Siddharth Sihag, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

RAJESH BHARDWAJ J.

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for the grant of regular bail to the petitioner during the pendency of trial in case FIR No.380, dated 28.07.2024 (Annexure P-1), under Sections 305, 317(4), 111(2)(b), 111(3), 111(4), 310(4), 310(5), 312 of Bharatiya Nyaya Sanhita (BNS) and Sections 25-54-59 of Arms Act, 1959 (to which 111(3) and 111(4) were deleted later on), registered at Police Station Kherki Daula, District Gurugram.

2. As per the facts of the case, on 28.07.2024, the police received a secret information to the effect that Manish, Saurabh and Sunny residents of Uttar Pradesh, Abhishek and Nitin residents of



Mahendergarh and Gaurav (petitioner) resident of Kaithal were planning a big dacoity by sitting in an isolated Kothra situated on Tauru road in Bar Gujjar area. They were armed with illegal weapons like *dandas and saria* and stolen motorcycle. It was informed that these persons were committing incidents of thefts of vehicles and looting in Gurugram since long time. In case of raid, they could be arrested red handed. Finding the information reliable, the FIR was registered and the raid was conducted at the disclosed place. The accused as mentioned in the information were arrested by the police on the raid conducted. The FIR was registered and the investigation commenced. The petitioner is in custody since 28.07.2024. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail. However on hearing both the sides, the learned Additional Sessions Judge, Gurugram finding no merit, dismissed the petition filed by the petitioner vide order dated 20.09.2024. Hence the petitioner has approached this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner was arrested on 28.07.2024 and he was kept in the illegal custody in Kherki Daula Police Station. He has submitted that the petitioner filed an application for monitoring of the case and producing the CCTV footage of his work place and police station, however the CCTV cameras of the concerned police station were not functional from 01.07.2024 to 14.08.2024 as per the reply submitted by the respondents- Investigating Agencies. He has thus submitted that the genesis of occurrence was suppressed by the Investigating Agencies. He has



submitted that the allegations made in the FIR are totally a cock and bull story and no *prima facie* case as alleged against the petitioner is made out. He has thus submitted that the petitioner has been falsely implicated in this case and hence, he deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He, on instructions from ASI Ashok Kumar, has submitted that on receiving the secret information, due process was followed and on registration of the FIR, raid was conducted wherein the accused were arrested on the spot. He has submitted that on the arrest of the petitioner, torch was recovered from him. He has submitted that the challan has been filed in this case on 13.09.2024 whereas the charges are yet to be framed. He has submitted that keeping in view the gravity of offence, the petitioner does not deserves the concession of bail and thus the present petition deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the FIR was registered on the basis of secret information received on 28.07.2024. On conducting the raid at the disclosed place, all the accused including the petitioner were found to be planning for dacoity and they were arrested on the spot. The recovery of torch was also effected from the petitioner. Though the investigation is complete, however the charges are yet to be framed. Thus, it is apparent that the trial is at the initial stage where the prosecution evidence would be recorded only after framing of the charges and grant of bail to the



petitioner at this stage would definitely cause prejudice to the prosecution case which is yet to be started by way of evidence of witnesses.

7. Thus keeping in view the facts and circumstances of the present case, this Court does not find it appropriate to grant the concession of bail to the petitioner. Hence finding no merit in the present petition, the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

25.10.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nox