

2025:PHHC:039280



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

**CRM-M-563-2025 (O&M)
Reserved on : 18.03.2025
Pronounced on : 25.03.2025**

Aajad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J.

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. 264 dated 09.07.2023, registered under Sections 341, 395, 397 and 412 of IPC and Section 25(1-B)(A) of the Arms Act, 1959 at Police Station Bilaspur, District Gurguram.

2. As per the prosecution case, on the night of 08.07.2023, complainant Amratpal Singh, who was working as driver with Godcorp Global Pvt. Ltd., Gurugram, was going from Rajasthan to Hapur on vehicle/truck bearing registration number NL-01-AG-9266. While crossing the area falling within the jurisdiction of Police Station Bilaspur, he was intercepted by the occupants of a Bolero vehicle. One of them, after giving signal to stop his vehicle, boarded his vehicle and made him alight from his vehicle and by saying that the complainant had injured the leg of his brother.

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The said person further proclaimed that he would take the complainant to the police station and then all of them forced him to sit in their Bolero vehicle. Two of the occupants of the Bolero car started driving truck of the complainant, whereas the remaining two persons were present in the car. He was left somewhere at Gurugram on the same night and the above said persons fled away with the vehicle of the complainant. After registration of the FIR, investigation proceedings were initiated. The truck of the complainant was found lying abandoned in the area of Bilaspur, Gurugram during the course of investigation. On 27.07.2023, accused Anis and Sabir were apprehended on the basis of a secret information. They were interrogated and suffered disclosure statements admitting their involvement in committing dacoity of the vehicle of the complainant and also disclosed about the complicity of the present petitioner and co-accused Mufid @ Mufeed. The petitioner was arrested and was taken into custody on 28.07.2024. He too suffered disclosure statement and got recovered a Bolero car which was used at the time of occurrence in pursuance thereof including an amount of Rs.5500/-, out of the amount of Rs.90,000/-, which was received by him by selling the tyres of the stolen vehicle. Offence under Section 412 of IPC was added. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of the disclosure statement of the aforesaid co-accused, which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. He was not named in the FIR. He is in custody since 31.07.2024. Trial is likely to take time. His further incarceration would not serve any

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useful purpose. 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 Senior Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. There are allegations against the petitioner that he along with co-accused had committed offences of dacoity and wrongfully restraining the complainant on the highway on the fateful day. He is a habitual offender as three other cases, two of which are of similar nature, are pending against him. There are chances of his absconding, if 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 wrongfully restrained the complainant on the night of 08.07.2023 and then looted him of his truck. The petitioner is in custody since 31.07.2023. It is well settled proposition of law that an accused cannot be denied benefit of bail due to the reason that he is involved in some other cases. Investigation has since been concluded and challan has been presented. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, 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 bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty

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Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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.

25.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No