

2025:PHHC:044124



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.2051 of 2025
Date of Decision: 01.04.2025

Nikhil Dhariwal ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shiv C Bhola, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
229	23.08.2024	Sadar Tauru, District Nuh	126, 309(4) and 140(3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. As per the allegations, on the intervening night of 22/23.08.2024, the complainant Rijwan who is involved in the business of sale purchase of buffaloes/calves, was going towards his Village Ghasera in a pickup vehicle bearing registration No.HR66-C-4105, which was driven by Bharat Kumar. Four calves were loaded in this vehicle. At

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about 2:30-3:00 AM, their vehicle was intercepted by two youths who came on a motorbike. They showed some weapons to the complainant and his companion and forcibly snatched the key of their vehicle. Thereafter, they opened an attack upon the complainant and Bharat Kumar. Bharat Kumar managed to flee whereas the complainant was kept captive in his vehicle by tying his limbs and covering his mouth. The assailants took away cash amount of Rs.47,000/- and mobile phone belonging to the complainant. They also entered into transaction of money through app PhonePe and withdrew a sum of Rs.27,000/- from the bank account of complainant. One of them proclaimed that he was Nikhil son of Dharampal belonging to Village Jaurasi and a don of his area and also disclosed the name of his accomplice as Aman. Thereafter, they threw the complainant and his cell phone in the fields and escaped with his pickup vehicle and calves. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 23.08.2024. He suffered disclosure statement and admitted his involvement in the crime and further got recovered the looted vehicle and cash amount of Rs.5000/- as well as the motorcycle used at the time of occurrence. Investigation now stands completed and the petitioner is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is a student and had neither any intention nor any occasion to commit the subject offences. Infact, the complainant himself is involved in illegal trafficking of cows and calves and

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since he came to know that the petitioner is connected with Gausewaks, therefore, a story of beating, abducting and looting has been concocted. In the police record, it is mentioned that the petitioner was a friend of the complainant, which itself makes the prosecution case doubtful. The subject offences have not been made out against him. Trial is likely to take time. He is in custody since long. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has already been filed. Learned Deputy Advocate General, Haryana has vehemently argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have abducted the complainant as on the fateful night and is further alleged to have looted a sum of Rs.47,000/- and his pickup vehicle. He is further alleged to have got transferred a sum of Rs.27,000/- by using the phone of the complainant, to the account of some salesman of HP Karma Filling Station, Dharuhera and is further alleged to have taken that amount from the salesman and shared the same with the co-accused. The allegations against the petitioner are serious in nature. The complainant is yet to be examined. An apprehension has been expressed by Deputy Advocate General, Haryana that he may intimidate the witnesses which cannot be stated to be unfounded at this stage. Keeping in view the gravity of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances



but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be given concession of bail. Hence, the petition is dismissed.

01.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No