



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

224

CRM-M No.536 of 2025 (O & M)
Date of decision : 16.1.2025

Kuldeep alias Sagar**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kuldeep Singh Siwach, Advocate, for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

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.75 dated 14.2.2019, under Sections 342, 365, 395, 397, 412 of the IPC and Section 25 of Arms Act, 1959, registered at Police Station Rai, District Sonapat.
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 Sahib Police Station Rai, It is requested that I am Rameshwar S/O Shri Dhuna Ram Jat, resident of village Jajaikalan, police station Shahpura, District Jaipur. I have a truck No.RJ 14GE 0599 on which I myself is the driver and with me Amid S/O Ismail village Somka lives as driver cum helper. On 13-02-2019, I loaded 700 Sugar from Dwarikesh Sugar Mill Bundki Bijnor to Narnaul through Chaudhary Transport Company Chandpur in my vehicle, whose bill No. is 110005006 and Bilty No.1606. When I was going through Goripur UP and reached 2 kilometers from Haryana border, I took diesel from Bharat Petrol Pump. After that, after traveling about 500 meters, a car came in front in which 5



people were riding, who were carrying weapons. They stopped our vehicle, beat us up, took us hostage and made us sit in their vehicle. At that time it was night. It was around 2 o'clock, after making us sit in the car, they put us in the car by tying hand and legs and kept us driving for 3 hours. Before sunrise we were thrown in a deserted place. In the morning, I took someone's phone and informed Amit Kumar. Amit Kumar informed Surendra Kumar and Ram Gopal, the owner of the goods, and called them to the spot. Now I have come with them to the police station to lodge a report. Please take the strictest action possible. The goods and the vehicle should be searched so that the goods and the vehicle can be recovered. They also took my phone no. 8239371760. Thank you. SD Rameshwar Rameshwar S/O Shri Dhuna Ram Village Jajaikalan Police Station Shahpura District Jaipur 8239371760, 9829119178, 9829253799.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.4.2024. Learned counsel has further submitted that the petitioner has been primarily implicated on the disclosure statement of co-accused Mahipal, Sunil @ Bhima and Sonu. Learned counsel for the petitioner has further submitted that no TIP (Test Identification Parade) was got conducted by the police so as to connect the petitioner with the alleged crime in question. Learned counsel has further submitted that, though the petitioner was a proclaimed offender for a period of about 4 years, but the pendency of the FIR in question was not to his knowledge and thus the factum of the petitioner being proclaimed offender cannot be read into against him. Learned counsel for the petitioner has further iterated that similarly placed accused namely Kuldeep has been granted concession of regular bail by this Court vide order dated 5.11.2020 passed in CRM-M No.45589 of 2019, similarly placed co-accused namely Rattan Singh has been extended the concession of regular bail by the Sessions Court on 16.11.2020 and similarly placed accused Sunil @ Bhima has been extended the concession of regular bail by the Sessions Court on



5.2.2021. 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 15.1.2025 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 30.4.2024 whereinafter investigation was carried out and challan stands presented on 30.7.2024. Total 38 prosecution witnesses have been cited and culmination of trial will take its own time. The contention made by the rival counsel, indubitably, give rise to debatable issues which shall be ratiocinated 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 15.1.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 16 days.

As per the said custody certificate, the petitioner is stated to be involved in 7 more cases. 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 Suypreme Courty 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/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

16.1.2025
Ashwani

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