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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5944-2025
Date of Decision: 06.02.2025

BALBIR
....Petitioner(s)

VERSUS

STATE OF HARYANA
....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Balbir	0177	08.11.2024	121(1), 132, 190, 191(2), 224, 304 of BNS, 2023 and 3 of Prevention of Damage to Property Act, 1984 (Section 304 of BNS deleted later on)	Rori	Sirsa



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2. Prosecution story is that on 07.11.2024 about 6.30 PM, bus bearing registration No.HR-57-8836 of Haryana Roadways Depot Sirsa, was plying on the route from Sirsa to Alika, which was driven by driver namely Subhash Chander and name of the conductor is Naresh Kumar. On the day of incident, co-accused Sandeep @ Latu, his brother Popi, Gurpinder, Pardeep, Mankha and 5-6 other boys armed with *dandas* reached there and caused injuries to the conductor Naresh Kumar and also tried to snatch the cash bag from him. When Naresh Kumar did not leave the cash bag, same got torned and thereafter, accused persons snatched the amount of Rs.30,000/- from the said bag.

Apart this, the ticket machine and window panes of the bus were damaged by the accused persons. When the complainant i.e. Driver of the bus attempted to save Naresh Kumar, all the accused fled away along with the respective weapons by threatening the conductor and driver of the bus.

3. Learned counsel for the petitioner argues that the name of the petitioner does not appear in the FIR version and he has been dragged in the case on the basis of disclosure statement of co-accused namely Baljinder Singh. Test Identification Parade (TIP) has not been conducted, therefore, identification of the petitioner is in question and he is inside jail since 08.11.2024. After the completion of investigation, challan has also been submitted.

He further submits that petitioner is not accused in any other case also. Thus, prays for grant of bail.

4. On advance notice, learned State counsel puts in appearance

and submits that offence under Section 304 of BNS, 2023 was deleted



because during investigation, it has been revealed out that accused never succeeded in snatching the cash amount of Rs.30,000/-. Apart this, learned State counsel is not in a position to dispute any of the factual contentions addressed by the petitioner's counsel.

5. After hearing the learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner, therefore, by observes that trial is yet to start and culmination of the same is likely to take considerable time. Therefore, considering all the aspects that name of petitioner has emerged in the case on the basis of disclosure statement of co-accused and the burden is heavily thereupon the prosecution to prove the involvement of the petitioner in the crime.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is

expected to decide the case on the basis of complete evidence available on record.

10. Petition stands disposed of.

February 06, 2025

Sangeeta

(SANJAY VASHISTH)
JUDGE

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