



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

**(239) CRM-M NO.9742-2025(O&M)
DATE OF DECISION: 29.04.2025**

Rajesh @ RajuPetitioner

VERSUS

State of HaryanaRespondent

CORAM HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present Mr.Manu Sachdeva, Advocate and
Mr. Anuj Tanwar, Advocate,
for Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, Asstt.AG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

1. Petitioner is seeking the concession of bail under Section 483 of the BNSS, 2023 in case FIR No.225 dated 26.04.2024, under Sections 120-B, 395, 397 IPC and 25 of Arms Act, 1959 (Sections 120-B and 397 IPC and Section 25 of Arms Act added lateron) registered at Police Station Sadar Bhiwani, District Bhiwani.

2. Learned counsel for the petitioner submits that even as per the case of the prosecution itself, the petitioner was not one of those accused persons who committed dacoity on the Bhiwani-Delhi highway on 25.04.2024 while the complainant along with his brother and driver were travelling in their car. It has been submitted that the petitioner's name came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Vikram, who merely claimed that he had handed over his mobile handset to the petitioner after the occurrence in



question. It has been submitted that it is not even the case of the prosecution that any recovery of the looted amount etc. was made from the petitioner.

3. On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he has categorically replied in negative.

4. Learned counsel for the petitioner has submitted that in the aforementioned facts and circumstances, moreso when as many as 31 prosecution witnesses had been cited, there is no likelihood of the trial concluding in the near future and therefore, the petitioner be extended the concession of bail.

5. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 31.08.2024. The factual aspect of role attributed to the petitioner and that too pursuant to a disclosure statement allegedly suffered by co-accused Vikram has also not been disputed by the learned State counsel. On instructions, however, it has been submitted that the mobile handset of co-accused Vikram was recovered from the petitioner pursuant to the disclosure statement made by him.

6. On further instructions, learned State counsel has also not disputed that the petitioner has no previous criminal antecedents.

7. I have heard learned counsel for the parties and perused the material placed on record.

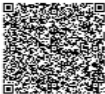
8. Before proceeding further, it would be apposite to reproduce the relevant extract of the FIR, which is reproduced in the paperbook of the petition, as under:-



"Sir, To Station House Officer, Kharak Kalan, Sir, it is submitted that I am Bhushan Kumar son of Vinod Kumar is resident of Ramganj Mohalla, Bhiwani near Meham Gate, my shop is situated. On 25.04.2024, I, my brother in Vehicle bearing registration No.HR16A9867 Mark Ertiga went from Bhiwani to Delhi at about 2 pm whose driver was Sandeep resident of Bhiwani and with me, Sandeep resident of Bhiwani was driver and from Delhi market, we all three after leaving from Delhi were coming towards Bhiwani and when our car reached near Bhiwani Rohtak road at about 11.30 pm, at Norangabad Toll, at that time, one Ertiga car came in front of my car from behind near Toll Tax and after stopping our car from the said Ertiga car, 6-7 boys came out along with sticks, lathis and pistol and they had broken the glasses of my car and had also given beatings to us and after showing pistol, they had taken cash from our Ertiga car and exact amount is not known and I will inform in the morning after checking the same along with two mobile phone Make Iphone Smart, unknown persons had snatched the same whose name and address I do not know and ran away. Kindly take strict legal action against them and my car, money, mobile may kindly be recovered from them. Sd/- Bhushan applicant, Bhushan son of Vinod, Ramganj Mohalla 8950242047 26.04.2024."

9. The petitioner is not alleged to be one of the persons who participated in the alleged dacoity. Rather the only role attributed to the petitioner is of having been found in possession of the mobile handset of co-accused Vikram. The petitioner has no previous criminal antecedents; challan stands presented against the petitioner and so do the charges.

10. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.



11. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

29.04.2025
mamta

(MANJARI NEHRU KAUL)
JUDGE

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