

2025:PHHC:065011



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

229

CRM-M-16798-2025

Date of decision:15.05.2025

Rahul @ Kamal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Sagar Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

...

N.S. Shekhawat, J. (Oral).

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.319, dated 26.07.2024, under Sections 318(4), 336(3), 338, 340(2) BNS and Section 12 of the Passport Act (Section 120-B IPC and Section 13 of the Prevention of Corruption Act added later on at the time of presentation of challan), registered at Police Station Nissing, District Karnal.

2. Learned counsel for the petitioner contends that name of petitioner was not mentioned in the FIR initially and nor any allegation was levelled in the FIR which connected with the crime in any manner. Moreover, the petitioner is not a public servant and is not liable to be prosecuted for the offence under Section 13 of the Prevention of Corruption Act. He further submits that only on the basis of the disclosure statement suffered by Neeraj @ Neetu co-accused, the petitioner has been involved in the present case. The petitioner was arrested in the present case on 03.08.2024 and is in

custody for the last about 09 months. Moreover, two similarly placed accused, Neeraj @ Neetu and Subhash @ Pehelwan @ Shubi have been granted concession of bail vide orders at Annexures P-2 and P-3 respectively. He further contends that even charge has not been framed against him and the trial is not likely to conclude in the near future.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in 18 more cases and is a habitual offender. However, he does not dispute the fact that Neeraj Kumar @ Neetu and Subhash @ Pehelwan @ Shubi have already been admitted on bail by the Court of Additional Sessions Judge, Karnal.

4. I have heard learned counsel for the parties and perused the records carefully.

5. It is the admitted case that two similarly placed co-accused, Neeraj Kumar @ Neetu and Subhash @ Pehelwan @ Shubi have been admitted on bail by the Court of Additional Sessions Judge, Karnal vide orders Annexures P-2 and P-3 respectively. The petitioner is also involved with similar allegations. Moreover, the petitioner is in custody for the last about 09 months and further custody of the petitioner would not serve any purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S. SHEKHAWAT)
JUDGE

15.05.2025

harjeet

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