

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18288-2025
Reserved on: 09.07.2025
Pronounced on: 18.07.2025

Ravi Parkash ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. V.S. Rathee, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	05.10.2024	Rai, Distt. Sonipat	309(4) of BNS

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents. However, as per custody certificate dated 08.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	445	21.09.2018	386, 506, 34 IPC, 25/54/59 of Arms Act	Kundli, Sonipat
2.	34	2022	25 of Arms Act	Sadar Sonipat, Sonipat

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the instant FIR came into being on the basis of complaint made by complainant Tarun Kumar son of Shri Rambir Singh, stating therein that he is employed as driver on Canter bearing registration No. UP-13CT-6194 and today i.e. on 05.10.2024, he had come to Factory No.1848, HSIDC, Rai for loading the said canter. After parking the said Canter outside said company, he had gone to a shop at main road, village Jatheri and after purchasing some eatables, at about 8.40 p.m., when he was returning back

on foot, one Aactiva Scooty came from behind, on which three boys were riding, out of whom, one was having knife in his hand. The said Scooty came and stopped near him and the said boys on knife point and by putting him under threat and fear, together snatched his mobile phone make Narjo Realme having SIM Card No.97594xxxx and his purse containing his documents and Rs.4,500/- in cash and fled away from the spot. The complainant further stated that he chased the culprits for some distance and registration number written on the said Aactiva was 7322. With these allegations, the complainant sought for legal action against the assailants. On receipt of above information, instant FIR was registered and investigation was set into motion.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which reads as follows:

“5. That it is submitted that there is sufficient evidence against petitioner to have committed the above mentioned crime. As far as the role of petitioner is concerned, he along with co-accused Vikram and Golu (yet to be arrested) were roaming in the area of Jatheri Road, Sonipat on Scooty of petitioner/accused Ravi Parkash and when they saw the complainant walking on the road, they put the complainant under fear and threat on knife point and snatched his mobile phone and purse containing Rs.4500/-, out of which, Rs.1500/- had come to the share of petitioner. The scooty used in committing the crime belonged to petitioner. After committing the above mentioned offence, petitioner/accused Ravi Parkash along with co-accused fled away from the spot. All these facts were also admitted by petitioner in his disclosure statement, pursuant to which petitioner/accused Ravi Parkash got recovered Rs.500/- in cash and Aactiva Scooty bearing No.HR-10AT-7322 used at the time of occurrence from his residential house and also got demarcated the place of occurrence and the last digit i.e. 7322 of the said Scooty were also duly mentioned by complainant in the FIR. In this manner, petitioner had actively participated in the commission of above mentioned crime and he has also been specifically named in the disclosure statement of co-accused. Charges in the present case are yet to be framed and if enlarged on bail, petitioner can tamper with prosecution evidence by influencing and intimidating the witnesses and can also hamper the trial by absconding from the process of law. Merely on the basis of longevity of incarceration, petitioner is not entitled to seek the concession of bail as a matter of right. Thus, keeping in view the seriousness of offence, role of petitioners in committing the crime, punishment provided and antecedents of petitioner, he is not entitled to the relief of bail as claimed for.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 3 of the bail petition, the petitioner has been in custody since 02.12.2024. As per custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 07 months and 07 days. Given the penal provisions invoked viz-a-

viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.