



CRM-M-19464-2025

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19464-2025
Date of Decision: 27.05.2025

Nafish ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	19.05.2019	Nagina, District Nuh	379-B, 420 IPC and 25-54-59 of Arms Act (Sections 365, 395, 397, 420 IPC and 25-54-59 of Arms Act mentioned in impugned order Annexure P-6)

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 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 18.04.2020 passed by Additional Sessions Judge, Mewat which reads as follows:

“The case of the prosecution is that on 19.5.2019, the complainant Shaurya Khurana moved complaint that he was called by the accused persons to make a site plan for a school. On 19.5.2019, he reached Badkali Chowk Nagina alongwith Archita. Two young persons came on motorcycle and took them to jungle near village Nagina. They snatched away the mobiles, purses, watches of the complainant, Archita and the driver and Rs.2500 cash of the complainant. The villagers identified one of the accused as Aarif. Subsequently, the accused persons withdrew Rs.17,000 from his debit cards.”



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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. Counsel for the petitioner submits that earlier petitioner was on bail and due to non-appearance, his bail was cancelled.
5. The State’s counsel opposes bail.
6. Petitioner was initially granted bail vide order dated 18.04.2020 by Additional Sessions Judge, Mewat. After that, his bail was cancelled vide order dated 28.11.2023. The reason for cancellation of bail was that accused had left the Court without permission, however the witnesses were present and had not cooperated in recording the evidence and mis-used the concession. Thereafter, the petitioner surrendered before the trial Court on 03.01.2024 and since then he is in custody.
7. As petitioner was earlier granted bail vide order dated 18.04.2020, and as such, this court is inclined to grant bail subject to some conditions.
8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, petitioner was earlier on bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
9. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
10. 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.
11. 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)	

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12. This order is subject to the petitioner's complying with the following terms.
13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.
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

27.05.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.