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

**CRM-M-20124-2025
Date of Decision:24.04.2025**

MAHENDERPURI ALIAS BHURA

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Gagandeep Kaur, 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 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.69 dated 23.05.2024, registered under Sections 328 & 408 of IPC, Police Station Jatusana, District Rewari.

2. The FIR in the present case was registered on the basis of the statement made by Mahesh Kumar son of Ramkishan and the same has been reproduced below:-

“To Mr. SHO Sahib, Thana Jadusana, District Rewari, Sir, I request that I am Mahesh Kumar son of Ramkishan, a permanent resident of village Bhauhda Kala Patti Chainpura, District Gurugram. On 22.05.2024, I and my servant Mahendra Puri Goswami (MP) went to Pataudi on my motorcycle no. HR 76 G 7123, which I was driving and my servant was sitting behind, to



my buffalo dairy village Mandola Thana Khol at around 10.00 AM on my motorcycle to withdraw money in Pataudi Axis Bank, I asked my wife to come from home with one lakh rupees and there I withdrew five lakh rupees from my account and deposited four lakhs back in HDFC Bank in Pataudi. I and my servant Mahendrapuri were coming back with one lakh rupees given by my wife and one lakh remaining with me, total 2 lac. I and my servant left for Mandola Dairy. My servant was sitting behind on the motorcycle with a bag full of money. When we reached Palhavas Chowk, it was around 02.30 PM. My servant bought a one litre bottle of Cold Drink Dew which we both drank sitting on a road near Jatusana village. After drinking the cold drink, I fell unconscious. I regained consciousness at around 09.00 PM and saw that my servant Mahendrapuri was not there. My motorcycle and the bag containing two lakh rupees and my mobile phone having numbers 9991429185, 9509092133 were not found by me. I did not find the bank passbooks of both the banks and the ATM card was also not found. My servant Mahendrapuri ran away with the money. Legal action should be taken against him having mobile numbers 8962017304, 7828062139. I will be highly grateful to you.”

3. Learned counsel for the petitioner contends that the petitioner is a young boy aged about 24 years and is having clean antecedents. She further contends that the story projected by the prosecution in the present FIR is highly unbelievable and unnatural. Even during the course of investigation, no poison or intoxicating substance was detected in the blood sample of the complainant, as per the FSL report. Thus, the offence under Section 328 IPC was wrongly added in the present case. She further contends that only a mobile phone was allegedly recovered from the petitioner, however, even the recovery of mobile



phone was planted on him. As per learned counsel, the petitioner was arrested on 22.09.2024 and is in custody since then. Now, the investigation is complete in all respect and after the presentation of challan, the charge has been framed against the petitioner on 07.03.2024. She further contends that the prosecution has not been able to place on record any evidence to show that the petitioner is in a position to influence the witnesses of the prosecution or there are any chances of fleeing from the process of justice.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 22.09.2024 and is in custody for the last about 07 months. The trial Court has ordered framing of charge against the petitioner on 07.03.2024, however, the prosecution has not been able to examine even a single witness so far. Thus, there is no likelihood of early conclusion of the trial and the petition is deserves to be allowed.

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

24.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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