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

CRM-M-20637-2025

Date of Decision: 25.04.2025

Bablu

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Sharad Choudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.0091 dated 09.06.2024 registered under Sections 380, 454 and 411 of IPC (added later on), at Police Station Bond Kalan, Charkhi Dadri, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by Asha wife of Dilbagh and the same has been reproduced below:-

“Brief circumstances of the case are that on 09.06.2024, Asha w/o Dilbagh Ward No. 1, Village Bond Kala came to the police station and submitted a written application which is as under:- To The, SHO Sahib Police Station Bond Kalan, District Charkhi Dadri. Sir, the request is that I, Asha W/O Dilbagh am a resident of Ward No. 1, Village Bond Kalan. Today on 09.06.2024 afternoon, my house was burgled. I and my children had all gone to Gurgaon. The house was locked. Vishnu s/o Rajendra Singh Kala in the neighborhood broke into the house and

stole it. The stolen items were 2 gold earrings, 1 gold necklace, 4 pairs of anklets - 2 old - 2 new, 1 silver Mangalsutra, 3 silver rupee coins, 2 pairs of silver pinches, 2 pairs of silver gutthi and Rs. 5000/- which I had kept for instalment. Today afternoon, when some sound came from my house, the neighbours informed us that Vishnu S/O Rajendra Singh Kala has entered your house and we have seen him leaving. On getting to know, I and my son came home and checked the house, everything was scattered and on checking the belongings, we did not find our jewellery and money. I request you to take appropriate action against him immediately, I will be grateful to you. Sd/- Asha.”

3. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there is any averment, which connects him in any manner with the crime. He further contends that the petitioner was named by co-accused, namely, Vishnu and Manoj in their respective disclosure statements and the petitioner was wrongly arrested on 08.12.2024. Learned counsel further contends that Vishnu and Manoj, both the accused were granted the concession of bail. Since Vishnu was a juvenile, he was tried separately by the Juvenile Court and has been already acquitted on 22.04.2025. Challan has already been presented against the petitioner and the trial is not likely to conclude in near future.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in three more cases and is a habitual offender. However, he could not dispute the fact that Manoj, similarly placed co-accused

has been granted the concession of bail and Vishnu, another similarly placed co-accused has been acquitted by the competent Court.

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

6. It is not in dispute that similarly placed co-accused, namely, Manoj has been granted the concession of bail by the trial Court and Vishnu, similarly placed another co-accused has been acquitted by the competent Court. The petitioner was arrested on 08.12.2024 and is in custody since then. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

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, 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 involves 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.*

25.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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