

CRM-M-22095-2025
Date of Decision:14.07.2025

...Petitioner

VS.

...Respondent

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

Present : Mr. V.D. Sharma, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. Advocate General, 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 to him in case FIR No.167 dated 22.08.2024 registered under Sections 311, 351(2) (3) of BNS, and Section 25 of Arms Act, at Police Station Pillu Khera, District Jind.

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

“To the SHO, Police Station, Pillu Khera. Sir, I Amit s/o Inder Singh caste Rohilla am resident of Pillu Khera Mandi, District Jind. I am running a CSC Center on Tehsil Road under the name and style Amit Photostat. I have a Union Bank of India customer service center for pension distribution. Today i.e. on 22.08.2024, I was working at my shop, in the meanwhile at about 12:57 PM, three bike riders came and stopped in front of my shop, out of which two young boys came inside and one boy was standing

outside with the motorcycle. The two young boys who came inside had pistol in their hands. They pointed their pistol towards me and threatened to kill me and told me to give all the money kept in the drawer or else they would shoot me. Out of fear, I took 1,02,000/- from my drawer and gave it to both the boys. While leaving, they were saying that if I called anyone, they would kill me. The motorcycle on which the three boys came was a black colour platina. I will recognize all the three boys when they come in front of me. There are cameras installed at my shop after seeing the footage, strict legal action should be taken against the boys whose name and addresses are not known and my money should be recovered. I will be highly grateful to you. Applicant Sd/- Amit s/o Inder Singh R/o Pillukhera Mandi. ”

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor any other role was assigned to him. Even the petitioner has been arrested in the present case on the basis of the alleged CCTV footage, which is yet to prove during the course of trial. During the course of investigation, the petitioner was arrested on 23.08.2024 and is in custody for the last about 11 months. Even no weapon of offence was recovered from the petitioner and a recovery of Rs.25,000/- was planted on him. Out of total 16 prosecution witnesses, the prosecution has not been able to examine even a single witness. Thus, the conclusion of the trial may take quite a long time.

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. It is not in dispute that the petitioner is in custody for the last about 11 months and no witness has been examined so far. Still further, no weapon of offence was recovered from the petitioner in the present case. Moreover, the trial Court may take considerable time in concluding the trial in the present case.

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.

14.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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