



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

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CRM-M-21119-2025

Date of decision : 06.11.2025

Rajkishan

....Petitioner

V/S

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Veena Hooda, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

None for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. On 01.05.2025, the following order was passed :-

“Apprehending his arrest in case FIR No.65 dated 15.03.2025 registered under Sections 305 and 74 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Beri, District Jhajjar, petitioner has approached this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. She further submits that story putforth in the FIR is improbable. She further submits that the petitioner was granted ad interim anticipatory bail by the Court of learned Additional Sessions Judge (Exclusive Court), Jhajjar, vide order dated 09.04.2025, however, the same has been cancelled vide order dated 19.04.2025 only on the ground that the petitioner did not get recovered the chain of the complainant weighing 30-35 grams. She further submits that the petitioner is not involved in any other case and is ready and willing to join the investigation.

Notice of motion.

Ms. Gaganpreet Kaur, DAG, Haryana, accepts notice on behalf of respondent No.1-State and seeks time to file status report.



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Let notice be served upon respondent No.2, returnable on 1.8.2025.

In the meanwhile, arrest of the petitioner shall remain stayed. He shall join the investigation and co-operate with the investigating agency and shall not leave the country without prior permission of the Court.”

2. Learned State counsel while referring to the averments made in para 11 of the status report submits that although, the petitioner has joined the investigation, however, he has not cooperated and did not get recover the gold chain of the victim.

3. To controvert the said fact, learned counsel for the petitioner has made reference to the averments made in para 9(b) of the petition, wherein it has been stated that the complainant herself was not sure that her chain was lost on the same date i.e. 05.03.2025 or any other day because it was noticed by the complainant on 07.03.2025 that her gold chain was missing, whereas the petitioner had performed the pooja on 05.03.2025. Even otherwise, as per the settled law, the present proceedings are not recovery proceedings and this would be a question of trial.

4. In view of the above, the present petition is allowed and the interim relief granted to the petitioner vide order dated 01.05.2025 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C./482(2) of BNSS, 2023.

06.11.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No