

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

243

CRM-M-21368-2025

Date of decision: 29th April, 2025

Shashi

...Petitioner

Versus

State of Haryana

...Respondent

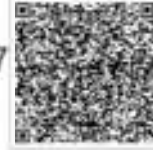
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohak Arora, Advocate for the petitioner.
Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 249 dated 08.09.2024 registered under Sections 309(4), 126(2), 3(5), 61(2) and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(1-B)(A) of the Arms Act, 1959 at Police Station Sector 32, Faridabad.

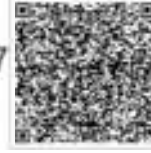
2. The aforementioned FIR was registered on the complaint lodged by the complainant Malkiat Singh, who was running a fast food shop, on the allegations that on the night of 01.09.2024 at about 11:00 PM, he was going on his bike towards his house along with his employee Deepak, when three youths riding on a bike stopped his vehicle. Two of them alighted from their vehicle while being armed with knife and pistol. By showing weapons, they took away his wallet containing cash amount of Rs. 11,800/- and also snatched mobile phones of Deepak as well as of himself. Thereafter, they



fled away. Out of fear, he did not report the matter to the police earlier. Investigation proceedings were initiated. During investigation, the accused Nitish @ Khali, who was arrested in another case bearing FIR No. 250 dated 08.09.2024 suffered a disclosure statement admitting his complicity in the crime and also about the involvement of the present petitioner as well as accused Aman Kumar and Hemant. He was as such nominated as an accused. The petitioner was arrested on 08.09.2024, suffered disclosure statement and got recovered a sum of Rs. 2,500/- out of the snatched money. The co-accused Aman Kumar was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that there is delay of seven days in lodging of the FIR which has not been specifically explained by the complainant. He has been involved in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. As per the allegations in the FIR, three persons were involved in the offence but four persons have been nominated as accused thereby showing that he has been falsely implicated. Trial would take considerable time. His further incarceration would not serve any useful purpose. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Haryana, has argued that the petitioner was the main conspirator, since it was at his behest that the co-accused had committed the offence of snatching money from the complainant and his companion. He had worked with the complainant for a while and had hatched a conspiracy with the co-accused to rob him of money and his



cellphone. He was even aware about the password used by the complainant for conducting transactions on his phone and had disclosed the same to the co-accused who withdrew an amount of Rs. 21,800/- by using the UPI through snatched mobile phone of the complainant. Allegations against him are serious in nature. There are chances of his committing similar offences or absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 08.09.2024. Trial will take time. No purpose would be served by detaining him in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No