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

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CRM-M-31106-2025 (O&M)
Date of decision: 01.08.2025

Shivam**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nikhil Vats, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No. 279 dated 03.06.2024, registered under Sections 342 and 395 of IPC and Section 25 of the Arms Act (Sections 397 and 120-B of IPC added later on) at Police Station Khedki Daula, District Gurugram. The previous petition, bearing number **CRM-M-4236-2025**, was dismissed as withdrawn on 15.05.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint filed by complainant Atul Aggarwal alleging therein that he was having one site at Sector-77, Gurugram in the name of Uppal, where some security personnel were deployed. On 03.06.2024, he received an information that 15- 20 unknown persons had entered into the said site

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armed with weapons and they had confined the guards and gunmen and had beaten them. The unknown persons had taken out the copper wire from the transformer at site as well as the motor of submersible pump. While leaving the site, they had taken the mobile phone of security guard and also taken out 06 cartridges from the magazine of gun of gunman and had thrown them at a distance and had gone out by cutting the boundary wall fencing and fled away while sitting in vehicles. He prayed for taking legal action in the matter. The present FIR was registered and investigation proceedings were initiated. During the course of investigation, on receipt of secret information, the present petitioner and co-accused Priyanshu and Kapil were apprehended by the police on 09.06.2024. On the basis of the disclosure statements suffered by the petitioner and co-accused, Rohit, Nanhe, Rajnish, Fahim, Rishab and Ram Niwas were also nominated and arrested in this case. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid offences.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. He was neither named in the FIR nor was arrested from the spot. No stolen article has been recovered from him. He is not involved in any other case and has clean antecedents. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 09.06.2024. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Kapil Yadav has already been

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granted concession of regular bail by this Court, vide order dated 03.04.2025 passed in CRM-M-53566-2024. Even co-accused Priyanshu has been granted concession of regular bail by the learned trial Court, vide order dated 09.04.2025. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner as well as the status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is not named in the FIR nor has he been arrested from the spot. He was in fact apprehended on 09.06.2024 on the basis of some secret information. No recovery is shown to be effected from him. He is not even shown to be involved in any other case, except the present one. Investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. Above named two co-accused, who are similarly situated with the petitioner, have already been extended benefit of bail. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it

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will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

01.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No