

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:075733



209

CRM-M-31591-2025 (O&M)
Date of decision: 9th June, 2025

Arun Sharma

..Petitioner

Versus

State of Haryana

..Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH.

Present: Mr. B.S. Mamli, Advocate for petitioner.

Mr. Anmol Malik, DAG Haryana.

KIRTI SINGH, J(Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.487 dated 06.08.20924 under Sections 123, 127(2), 309(4), 333, 351(2) BNS, registered at Police Station Krishna Gate, Thanesar, District Mahendergarh.

2. The translated version of the FIR is reproduced below:-

“It is humbly submitted that I, xxxxxx, wife of Shri xxxxxxxx, resident of xxxxxxxx, Police Station Krishna Gate, Thanesar, aged about 60 years, Mobile Numbers: xxxxxxxx hereby state that:

I am a homemaker residing at the above-mentioned address. My family consists of my husband, one son, and two daughters. All three of my children are married. My son Chetan Kumar got married on 12th July 2024. On the occasion of his wedding, I and the bride's family gave expensive jewellery, gifts, and other valuable items to the bride and groom. All such items and jewellery were kept in my possession. My son and daughter-in-law are currently residing in Taiwan. My husband and I live alone at home. On 5th August 2024, my husband had one to Jind for some work, and I was alone at home. At around 1:30 PM, my son-in-law Arun Sharma, son of Shri Tika Ram, resident of Housing Board Colony Narayangarh Road, Ambala, came to my house. I offered him lemonade and asked if he would like to eat something, but he refused. After that I went into my room, and after a short while, three unknown boys entered my house. One of them was carrying a backpack. They were wearing shirts in blue, red, and light blue colors. One of the boys grabbed my mouth, and another boy asked for tape. They started threatening me, saying

that if I raised any alarm, they would kill me. Then, they tied my mouth, hands, and feet with tape, and threw me onto the bed. They said, "You have jewellery and money- give it to us." Saying this, they checked all the cupboards and table drawers in the house and stole the jewellery that was kept in a black-colored bag, which included my jewellery as well as that of my daughter-in-law. At that moment, my son-in-law Arun came into the room after hearing the noise and tried to stop the boys. But they caught him as well and tied him up. They then started talking about injecting something into both of us. One of them injected something into the right side of my hip, after which I lost consciousness and became completely unaware of what was happening. Later, when I regained consciousness, I somehow removed the tape from my mouth, hands and feet. By then, the boys had already fled the house, and my son-in-law Arun was also not there. His mobile phone was switched off. I was forcibly injected with an unknown substance by these unknown assailants who entered my house, threatened to kill me, and looted my house. I request that legal action be taken against them, and my jewellery and valuables be recovered. I have not yet checked my belongings in full detail, and once I do, I will provide a complete list of the stolen items. This is my statement which has been read over to me and is correct. Sd/- Naresh Kumari, Attested."

3. Learned counsel for the petitioner *inter-alia* submits that the petitioner, who is the son-in-law of complainant, has been falsely implicated in the present case. Infact, a bare perusal of the FIR reveals that no incriminatory allegations were levelled against the petitioner. He further submits that complainant has turned hostile and places reliance on Annexure P-3 which is statement of complainant. The petitioner has undergone an actual custody of 09 months and 19 days and there is no other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 09 months and 19 days and there is no other case registered against him. He on instructions submits that charges were framed on

15.01.2025 and out of a total of 16 prosecution witnesses, two have been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 17.08.2024. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 16 prosecution witnesses cited, two stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "Dataram Singh vs. State of Uttar Pradesh and another", (2018) 3 SCC 22.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which

he is accused of, or for commission of which he is suspected.
(V) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending application(s), if any, also stands disposed of accordingly.

9th June, 2025

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**(KIRTI SINGH)
JUDGE**

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