

KARTIK... PETITIONER

V/S

STATE OF HARYANA... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Nirmal Singh, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

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SANJAY VASHISTH, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petition er(s)	FIR No.	Date	Section(s)	Police Station	Distri ct
Kartik	903	24.12.2024	109(1), 115, 118(1), 126, 3(5), 351(3) of BNS (during investigation, Section 190, 191(2), 191(3) of BNS were deleted)	HTM	Hisar

2. Learned counsel for the petitioner contends that petitioner, who is aged 20 years, is inside jail since 20.01.2025 and as per the role assigned, he has not been attributed for causing any injury to the complainant party. On hearing the petitioner’s counsel on 02.09.2025, following order was passed:-

“Present petition has been filed by the petitioner, seeking grant of regular bail in case bearing FIR No.903, dated 24.12.2024, under Section(s) 109(1), 115, 118(1), 126, 3(5), 351(3) of BNS, (during investigation, sections 190, 191(2), 191(3) of BNS were deleted), registered at Police Station HTM, District Hisar.

2. Learned counsel for the petitioner submits that the alleged incident took place on 22.12.2024 at around 9:30 P.M., but FIR was lodged only after a delay of two days, i.e., on 24.12.2024. It is argued, that this delay casts a serious doubt on the prosecution version and suggests that a concocted story has been introduced subsequently.

3. It is further pointed out that complainant has named all the accused persons in the FIR, which clearly indicates that complainant and the accused were already known to each other, thereby raising questions about the credibility of the allegations.

Even if the allegations as mentioned in the FIR are taken to be true, no specific role of causing any injury has been attributed to Kaku 74. Rather, petitioner, Kartik, is referred to the name "Kaku 74" and is alleged to have snatched an amount of Rs.2,500/- and a gold chain weighing one *tola* from the neck of the complainant. There is no allegation of any physical harm being inflicted by petitioner upon complainant.

4. Moreover, petitioner was arrested on 28.01.2025, and has since been associated with the investigation. It is submitted that no specific injury has been attributed to the petitioner and alleged recovery has already been effected. Therefore, as petitioner is no longer required for custodial interrogation, counsel prays for grant of regular bail to him in the present case.

5. On the other hand, learned State counsel has filed status report dated 01.09.2025, in the Court today and the same is taken on record.

6. Learned State counsel is unable to dispute the submissions made by counsel for the petitioner during the course of arguments before this Court. However, it is submitted that prosecution witnesses are yet to appear before the trial court for the purpose of recording their statements. In this regard, next date fixed for recording the statements of prosecution witnesses is 19.09.2025.

It is further submitted that petitioner is allegedly involved in seven other criminal cases, as well. In view of his past conduct and involvement in multiple cases, learned State counsel opposes the grant of bail and contends that petitioner does not deserve any leniency for the purpose of extending the concession of bail.

7. List again on 25.09.2025.

8. Let a status report be filed by learned State counsel, indicating stage and nature of other criminal cases in which petitioner is stated to be involved. The report shall specifically clarify whether the name of petitioner has actually been mentioned in those cases, or if his involvement is based on supplementary material or subsequent investigation.

Further, let the statements of the prosecution witnesses be recorded before the next date of hearing fixed before this Court.

9. A copy of this order be sent to learned trial court for necessary compliance.”

Continuing the submissions, learned counsel for the petitioner informs that, despite issuance of specific directions more than two months back, no prosecution witness has been examined. Furthermore, the chances of examining the complainant namely, Rahul, are very less because, in the recent past, he has been found involved in a murder case i.e. FIR No. 729 dated 07.11.2025 under Sections 103(1), 115, 191(2), 333, 351(3), 61 BNS, registered at Police Station HTM, District Hisar.

3. On being asked by the Court, learned State counsel also confirmed the said fact. Learned State counsel further submits that non-bailable warrants against accused Rahul in the case FIR No. 729 (supra) have already been issued.

4. In view of the submissions recorded in the order dated 02.09.2025 and noticing the fact that complainant Rahul is now an accused in FIR No. 729 (supra) and is not likely to appear before the learned trial Court to depose in the present case on oath, I do not find any substantial reason to deny the concession of bail to the petitioner especially when the allegation of catching hold of the complainant is yet to be established by the prosecution by producing the said witness and petitioner has already remained inside the jail for the last more than 9 months and 15 days (as informed by learned Sr.

5. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

14.11.2025

Janki

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No