

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51263-2024
Reserved on: 12.03.2025
Pronounced on: 26.03.2025

Azruddin @ Nola ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	19.05.2019	Nagina, District Nah	365/395/397/420 IPC and Section 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To, SHO Sahib, Police Station Nagina, Subject: Application regarding taking legal action against those who commit robbery, Sir, I request that I Shourya Khurana son of Rajiv Khurana, K-10 Rajori Garden 110027, New Delhi. That I and Archita D/o Deepak Ahulwalia resident Niwari Narwana Country Sec 50, Gurgaon, works as an architect, on 17-5-19, I received a call from mobile 9996842474 to my mobile phone no. 6711341789 and saying he is Vijay kumar and said that I want to build a school for the poor people in Mewat, you should once make a map of Mewat. Who kept on receiving call from this man continuously from 17-5-19, which today on 19-5-19, I and Arpita daughter of Deepak Ahulwalia, hired the above mentioned Ola company's taxi no.HR-35-AC-0252, whose driver's name was Tulsi Das son Kishori resident of Putriya 1.0 Bhigaon District Chhattarpur, taking which we left for the stated place told by Vijay Kumar, Badkari Chowk. At around 2.30 PM, we sat in the said taxi and reached Hero Showroom badkali Ghowk Nagina. During this his phone was ringing and after a while two young men came on a motorcycle, one of them sat in our car and another started riding a

bike in front of the car, who took us to the jungle ahead of Nagina town and stopped our car, four other boys came and took control of our car and at pistol point snatched my following things in the car, which include an iPhone 6-S number 9711241789 and another phone vivo number 8108962485 and snatched, PAN card, DRIVE license, four DRIVER's passport, photo C, Aadhar card, debit card, 2 black colour Burberry bags and 2 debit cards of Archita. SBI debit card, one Microsoft golden colour watch. PAN card and Palak Tulsi. Mobile Samsung 12. New-9137413817 8989602047, one Aadhar card: Driving license identity card, 2500 rupees were taken from us at pistol point or ATM card code number was found out from us by threatening us. When we reached village Karhera, driver Tulsi seeing the opportunity pulled the hand brake of the vehicle. We shouted due to which many people of the village gathered. All the above boys got down from our vehicle and ran away. While running, one person recognised by villager as Arif son of Muhuru resident of Nagina. Mobile phone no. 9996142474 along with his fellow criminals by conspiracy and called us here by deceiving us and forcibly took away all the goods from us at pistol point. The accused have withdrawn 17 thousand rupees in two accounts from the debit card snatched by them, out of which 7 thousand rupees were withdrawn from ICICI A/C No 001301586157 and 10 thousand rupees from SBI A/C No 02129199715. Then we went to Nagina Police Station for taking legal action and getting recovered all my belongings Applicant Shorya Khurana son of Rajiv Khurana resident of 10 Rajouri Garden 110027 New Delhi 9711241789, i.e. 9717198699: On receipt of the above application at the police station, FIR No. 112 dated 19.05.19 Section 3798,420 IFC 25.54.59.A.ACT Police Station Nagina was registered and copies of the FIR were prepared on computer as per rules and special report of the case is being sent to the service of Special Constable Ravindra 7721 Area Magistrate Sahab of Nuh."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. Counsel for the petitioner submits that petitioner was earlier on bail and due to absence before the trial Court on 28.11.2023, his bail was cancelled and he undertakes to appear on all dates in future.

5. The State's counsel opposes bail.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail. Thereafter, petitioner had surrendered on 03.01.2024 and since then he is in custody.

7. As petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to some conditions.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.