



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

226

**CRM-M No.45463 of 2025
Date of decision : 26.8.2025**

Sonu @ Sanu**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Abhimanu Jangra, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.219 dated 13.11.2024, under Sections 310(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 29 of Arms Act, 1959 (added later on), registered at Police Station Sector 17, Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, Mr. Incharge Sahib, Police Chowki, Sector 16, Faridabad, Sir, I request that i am Sonu son of Ranjeet Singh Yadav, resident of House No. 136, Street No. 5, Saraswati Basti Part 2, Sector 91, Faridabad and I have bought a Swift Dzire car number HR 38 AA 3057 and have put it in Ola company. I mostly keep my car near Old Railway Station, Delhi. On the night of 12/13-11-2024, my car was parked at Old Railway Station, Delhi.



When I logged into my phone at around 12.05 AM, I got a booking from Ola for Faridabad, so I booked the car and from Old Railway Station, Delhi, I took five people and left for Sector 16A, Faridabad. When I reached the location near Sector 16A Sai Mandir, a police rider was already standing there. When I asked them (the passengers) to get off the car there, they said to drop them a little further so that they can go a little further I stopped the car after reaching in front of Grand Columbus School, Sector 16A, Faridabad and asked them to get down. They gave me Rs. 760/- as fare. As soon as I took the money and put it in my pocket one of them put a gun on my stomach and robbed my pocket's approximately Rs. 15000, mobile phone and Om Pendant. At that very moment the car horn blew and as soon as the horn blew, those people got down from the car and ran away on foot taking with them the robbed money, phone and Om Pendant. Legal action should be taken against those people and my robbed money, mobile phone and Om Pendant should be recovered.'

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 19.11.2024 and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has been implicated into the FIR in question only on the basis of disclosure statement and no Test Identification Parade (TIP) was got conducted by the police after the petitioner was arrested on the basis of such disclosure statement. According to learned counsel, no recovery has been made from the possession of the petitioner and any recovery shown by the investigating agency is purely planted and fabricated. Since the challan has already been filed before the competent Court of jurisdiction and hence no useful purpose would be served by keeping the petitioner in custody. In this view of the matter, learned counsel has prayed for the grant of regular bail to the petitioner.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised against the petitioner are serious in nature and thus he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 25.8.2025 in Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 19.11.2024 whereinafter investigation was carried out and challan was presented on 07.02.2025. Total 20 prosecution witnesses have been cited but none has been examined till date. The rival contentions raised by the learned counsel; including the contention as to whether the sole evidence against the petitioner is the disclosure statement of co-accused and the weightage required to be attached to the factum TIP not having been conducted by the prosecution; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 25.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 9 months and 7 days. As per the said custody certificate the petitioner is stated to be involved in 2 more FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made



out for grant of regular bail qua the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the



Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

26.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No