



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

CRM-M-49246-2024

Date of decision : 16.07.2025

Mukeem

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for grant of regular bail to the petitioner in case FIR No.276 dated 18.08.2021 under Section 365, 34 of IPC and Section 25 of Arms Act (later on Sections 364-A & 394 of IPC were added and Section 365 was deleted), registered at Police Station Sector-14, District Gurugram.

2. Succinctly, the facts of the case are that the present case was registered on the statement complainant, namely, Sanjay Khanna. It was alleged that on 17.08.2021 at about 2:00 pm, he received a telephonic call from Rajesh resident of Gurugram, who asked him to come near INLD office in Rajeev Nagar to see a plot. On his asking, he reached at the place as told by Rajesh. However, on reaching there, 02 persons came from behind having pistols with them. They snatched the keys of his car and forcibly make him to sit in their Swift car and muffled his face. He was threatened to arrange money from his home. They started beating him. He called his wife Raj Bala and asked her to bring Rs.5 lakhs. He told her that Rajesh would meet her and she should handover the money to him. After sometime, those people brought him near Rajeev Chowk where he saw



Rajesh and his wife standing. Rajesh tried to push his wife forcibly into the car, however, she started shouting and thus, living her, all those people took him towards Delhi in their car. They snatched his 06 rings of diamond and gold and his bracelet was also looted. After leaving him near 32nd milestone, all of them were arrested. The request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the complicity of the petitioner surfaced and thus, he was arrested on 10.06.2024. He approached the Learned Additional Sessions Judge, Gurugram, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Gurugram vide order dated 13.09.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that neither the petitioner is named in the FIR nor any overt act has been attributed to him. He submits that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Rajesh, which is not even an admissible evidence. He submits that during trial the complainant has already died. He further submits that during the Test Identification Parade, eye-witnesses, namely, Anil and Raj Bala did not identified the petitioner. He submits that the petitioner is behind bars since 10.06.2024 and there is no progress in the trial. He thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He has drawn the



attention of this Court to the status report filed. It is submitted that during investigation, the complicity of the petitioner has been found in the present case. He submits that the complainant has died during trial. He has drawn attention of this Court to the status report filed and stated that test identification of the petitioner and co-accused Rajesh and Preetpal was got conducted on 23.08.2024, wherein the petitioner was identified among the assailants, by the complainant's wife. He submits that the supplementary challan was filed under Section 173 Cr.P.C. on 04.09.2024. It is submitted that out of total 21 prosecution witnesses, only 03 witnesses have been examined so far. It is submitted that petitioner had played an active role in the commission of the offence. He further submits that the petitioner had already faced prosecution in 02 other FIRs i.e. FIR No.384/2016 under Sections 285, 323, 506, 120(B) of IPC and Section 25 of Arms Act, registered at P.S. Rajendra Park, Gurugram and FIR No.53/2019 under Sections 323, 354, 387, 506 and 34 of IPC, registered at P.S. Sector-10, Gurugram. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on 10.06.2024. The complicity of the petitioner was established during the trial. The complainant has already expired. The test identification parade has also been conducted on 23.08.2024 by the investigating agencies as is evident from the status report filed by the State. The petitioner in conspiracy with the co-accused, had played an active role in the commission of offence. Besides this, he had faced prosecution in 02 other FIRs. As submitted before this Court, out of total 21 prosecution witnesses only 03 witnesses have been examined as on date.



6. Keeping in view the overall facts and circumstances of the case and the gravity of offence, this Court is of the opinion that the petitioner does not deserve the concession of bail and the present petition is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.07.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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