



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

229

**CRM-M No.47471 of 2025
Date of decision : 2.9.2025**

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

Present: Mr. Anoop Kumar Yadav, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, 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.93 dated 2.4.2025, under Sections 25(1-B)(a) of Arms Act, 1959 and Sections 3(5) and 309(4) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sector-5, District Gurugram.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'First Information: Sir SHO Assistant Police Station Sector 15, Gurugram, Sir, it is requested that I Devnandan Kumar Ramchandra Prasad Tati resident of Mohalla Takiya Village Rajauli Police Station Rajauli District Navada Bihar at present I tenant lives at H.N. 54, street number 3, Ashok Vihar Phase 3, Gurugram and I have rented a Vishnu shop near the Hyundai service center near dirty drain, Phase 2, Ashok Vihar, to transfer money to mobile phones. on 02.04.2025 at around 8:30 pm, I was sitting inside my shop, during this time three boys came to the shop and talked



about taking Bluetooth and switched off the lights of the shop and they showed a gun and ran away with about Rs 55,000/- from my shop's case box. Please should legal action be taken against these three unknown robbers, SID Devnandan Kumar 8409001039.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the prime role attributed to the petitioner is of supplying the country made pistol (*desi katta*) and fire arms to co-accused Ajay who has been actually involved in the commission of crime. Learned counsel has further iterated that the police has not followed the requisite proceedings while making recovery; therefore, the prosecution case suffers from inherent defects. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by 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 seeks to place on record custody certificate dated 1.9.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 24.4.2025 wherein after investigation was carried out and challan was presented on 12.6.2025. Total 16 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of the trial will take its own time. The rival contentions raised by learned counsel give



rise to debatable issues which shall be ratiocinated upon 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 1.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 7 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under sections 309 of BNS, 2023. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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*.

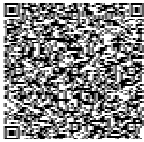
Suffice to say, further detention of the petitioner as an undertrial



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

2.9.2025
Ashwanii

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