

299

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53566-2024
Date of decision:-03.04.2025

KAPIL YADAV

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dhruv Sihag, Advocate, for
Ms. Ramandeep Kaur, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 02.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
279	03.06.2024	342, 395 IPC and 25 of Arms Act (397, 120-B IPC added later on)	Khedki Daula, Gurugram

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has not been named in the FIR nor has any concern with the allegations levelled in the FIR. He further contends that no



alleged stolen articles have been recovered from the petitioner and the police has shown recovery of one car which has no concern whatsoever with the allegations levelled in the FIR. He contends that the petitioner is in custody since 09.06.2024, challan has already been presented in Court, and the conclusion thereof, will take sufficient long time, hence prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State referring to the reply submitted by the State has opposed the bail application on the ground that petitioner is involved in heinous crime. Hence prayed for dismissal of the bail petition.

6. Mr. Manish Mehta, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, the same is taken on record. He categorically stated that he has specific instructions from his client to say that the petitioner has no concern with the offence and the complainant has no objection, if, concession of bail is granted to the petitioner.

7. After considering the rival contentions and perusing the record, it is observed that as per allegations of the prosecution 15-20 persons had entered the premises of the complainant, armed with weapons, had confined the security guards and committed theft of copper cable and one water pump before fleeing from the spot. Hence the FIR.

8. It is apparent from the perusal of record that the petitioner was arrested in this case on 09.06.2024 since then he is in custody. The name of the petitioner cropped up in the instant case allegedly on the basis of some secret information received by the Investigating Agency. It is not disputed that no recovery of stolen articles has been effected from the petitioner. Further one car has been shown to be recovered from the petitioner, it is debatable as to whether it is the same car which was used in the crime,

because no car number or make is mentioned in the FIR. Moreover the complainant has also pleaded no objection in grant of concession of bail to the petitioner. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 17 witnesses and till date only 1 witness has been examined. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

9. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

03.04.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No