

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

2025:PHHC:080117



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CRM-M-60198-2024

Date of decision: 07.07.2025

Vikas @ Munna Bhati

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.286 dated 30.10.2023 registered for the offences punishable under Sections 394, 397 of IPC and Section 25 of Arms Act (subsequently added Section 120-B, 201 IPC and 25/54/59 of Arms Act) at Police Station Dhauj, District Faridabad.

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

“To, SHO Police Station Dhauj District Faridabad. It is submitted that I am Ravinder Jain s/o Surender Jain Age 52 Years R/o House Noi. 1904, Sector 13 Karnal and Wooden Business. Today on 30.10.2023 I and my driver Mukesh S/o Baljit R/o Gaushala Janakpuri Karnal in my

Creta car colour White Registration no. HR-05AS-2093 came from Karnal to Ashok Packing firm owned by Raj Kumar Mahajan Near Toll Tax at Dhauj on Sohana Road. I reached at Raj Kumar Mahajan's Factory at about 2:30 p.m. My driver Mukesh parked our car in front of company gate. Mukesh remain seated in car and I went inside the company to meet Raj Kumar and talked with him about order and supply, at about 2:58 p.m. my driver called me telephonically that 3 boys ran away after snatching the car. He asked me to come outside quickly then I and Raj Kumar came outside and enquired Mukesh about the incident. Then Mukesh told me that I parked the car outside the gate then a boy came to me and make excuses to enquire about the address. When I refused, then after some time 3 boys came there and asked me to go to Sohana then I refused, when I started to come inside the factory then a boy showed me a pistol and threatened to fire a shot and snatched key of the car another boy hold my neck from backside and gave me beatings and to show me pistol and ran away after snatching the car. I made a Telephonic call to the Police from my mobile to inform and to take Legal Action against 3 unknown boys.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.12.2023. Learned counsel for the petitioner further argued that the petitioner has been falsely implicated into the FIR in question primarily on the basis of confessional statement of co-accused in another FIR. Learned counsel for the petitioner has further iterated that the prime prosecution witness PW (Mukesh) and PW (Ravinder Jain) who are complainant/injured persons have not identified the petitioner. Thus, regular bail is prayed for.

4. Counsel for the State 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 regular bail.

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

6. The petitioner was arrested on 13.12.2023 & whereinafter investigation was carried out and challan was presented on 04.01.2024 wherein total 23 witnesses have been cited, out of which 4 only have been examined till date. The weightage required to be attached with the testimonies of the witnesses who are stated to have not identified the petitioner shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival submissions, at this stage *lest* it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 04.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration 1 year, 7 months and 5 days. Further, as per the said custody certificate the petitioner is stated to be involved in 13 other 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 07, 2025
Naveen

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