



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

212

CRM-M-61762-2024

Date of decision: 27.05.2025

Himanshu Bainsla @ Golu and another

.....Petitioners

Versusj

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Mr. Albar Qureshi, Advocate and
Ms. Mansi Bidhuri, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.611 dated 21.10.2024 under Sections 115, 3(5) and 304 (Sections 117, 134, 238, 309(6) added lateron) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') registered at Police Station Surajkund, District Faridabad.

2. Learned counsel for the petitioners, contends that the petitioners have been falsely implicated in the instant case on the allegations of assaulting and robbing the son of the complainant. While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been submitted that it was registered against unknown persons.



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The petitioners were nominated subsequently solely based on a CCTV footage, which allegedly fails to clearly establish the identity of the petitioners as the perpetrators of the offence in the manner alleged.

3. It has been further submitted that the initial offences under Sections 115, 35 and 304 of BNS are all bailable in nature, and an offence under Section 309(6) of BNS pertaining to robbery was added later. Even so, no recovery of the allegedly stolen gold chain or cash has been effected from the petitioners.

4. Learned counsel also submits that the petitioners have been in custody since 05.11.2024. After the framing of charges, the material witnesses have already been examined. In support, learned counsel has drawn the attention of this Court to the depositions which have been annexed along with the petition. It has been, thus, urged that given that 16 prosecution witnesses are still to be examined, there is no likelihood of the trial concluding in the near future and hence, they deserve the concession of bail.

5. Per contra, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions, has submitted that there are serious allegations of robbery against the petitioners which are corroborated by the CCTV footage. However, on instructions, it has not been disputed that all the material prosecution witnesses stand examined. It has also not been disputed on instructions that no recovery of the alleged stolen items was made from either of the petitioners.



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6. On a appointed query regarding the antecedents of the petitioners, learned State counsel has fairly conceded that the petitioners have clean antecedents and are not involved in any other criminal case.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The petitioners have been in custody since 05.11.2024; all the material prosecution witnesses have been examined. The trial is likely to take considerable time given that 16 witnesses still remain to be examined. The petitioners have no previous criminal antecedents. In case the petitioners are enlarged on bail, there can be no apprehension of the petitioners intimidating/influencing the witnesses. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

9. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

27.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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