

2025:PHHC:080763



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

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CRM-M-62874-2024

Date of decision: July 07, 2025

RAJ KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J.

1. The instant petition is the third petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.343 dated 29.10.2022 under Sections 307, 380, 457, 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Khol, District Rewari.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. It is argued that the FIR (Annexure P-1) was initially lodged against unknown persons, and that the petitioner has been subsequently arrayed as an accused on the basis of undisclosed and allegedly secret information, without any substantive or relevant material linking him to the commission of the offence. It is further submitted that the petitioner has been in custody since 19.03.2023. It has also been emphasized that the material witnesses have been examined and the conclusion of the trial is likely to take considerable time, given that some



more witnesses remain to be examined. A prayer has, therefore, been made for releasing the petitioner on bail.

3. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to all just exceptions. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that there are specific and very serious allegations against the petitioner. The petitioner, along with co-accused, allegedly committed house theft during the early hours of 29.10.2022 at around 3.15 a.m. and while fleeing, fired multiple shots at villagers, who attempted to apprehend them, thereby causing firearm injury to one Vijay, a resident of the village. It has been further submitted that the petitioner is not a first-time offender and is involved in multiple criminal cases of similar nature registered not only in the State of Haryana but also in the State of Madhya Pradesh under analogous provisions of the IPC. In support, attention has been drawn to the custody certificate filed in the Court today.

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

5. As per the FIR, the complainant stated that on the intervening night of 28.10.2022 and 29.10.2022, he was asleep in the courtyard of his house, when around 3.15 a.m., he awoke upon hearing noise. He saw two individuals inside the house attempting to steal a box from one of the rooms. He raised an alarm, waking his son, and both chased the two accused.



Outside the house, two more persons were waiting and all four accused attempted to flee with the stolen property. As the complainant and his son continued the chase, several other villagers including Vijay (injured) were alerted and joined in. While fleeing, the accused allegedly discarded the stolen box in the bushes and one of them fired at Vijay, injuring him in the process. The accused managed to flee under the cover of darkness. The complainant reported that apart from cash and mobile phones, substantial quantities of gold and silver ornaments were stolen from his house and that thefts had also taken place at the residences of other villagers.

6. The allegations against the petitioner are grave and serious in nature. *Prima facie*, it comes across as a well orchestrated act of house breaking and theft in the early hours of the morning. More significantly, while attempting to escape, the assailants are alleged to have fired indiscriminately at the villagers pursuing them, resulting in a gunshot injury to one of the residents. The conduct attributed to the petitioner, therefore, does not merely involve theft but also acts endangering human life and public safety. Moreover, the criminal antecedents of the petitioner cannot be brushed aside. A perusal of the custody certificate reveals his involvement in cases not only in the State of Haryana but also in the State of Madhya Pradesh. The recurrence of such offences clearly hints towards a pattern of conduct and raises serious concern about the propensity of the petitioner to commit crimes of the similar nature.



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7. Though it has been submitted that the material witnesses have been examined, the seriousness of the offence, the nature of the allegations, the use of firearms during the commission of the crime and the criminal antecedents of the petitioner weigh heavily against the grant of bail to the petitioner. The possibility of the petitioner absconding or tampering with evidence or witnesses cannot be ruled out at this stage.
8. Having regard to the totality of the facts and circumstances, this Court does not deem it fit to extend the concession of regular bail to the petitioner.
9. Accordingly, the instant petition stands dismissed.
10. 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.

July 07, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*