

CRM-M-10420-2026

2026:PHHC:047419



139 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-10420-2026

Aakash

....Petitioner

Versus

State of Haryana

....Respondent

Date of Decision: March 25, 2026
Date of Uploading: March 25, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Divyam Singh, Advocate for the petitioner.
Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case bearing FIR No.121 dated 18.07.2025, registered for the offences punishable under Section 309(4), 3(5), 238 of the BNS, 2023 and Sections 25, 54, 59 of the Arms Act, 1959, at Police Station Sadar Ferozepur Jhirka, District Nuh.

2. The gravamen of the allegations against the petitioner is that on 17.07.2025, the complainant, Sanju, along with his companion Lalit Kumar, was present near point No.69.5 on the Delhi–Mumbai Expressway. At that time, three unknown persons arrived in a black Scorpio vehicle without a registration number and, at gunpoint, robbed the complainant of a gold chain weighing approximately 3 tolas, a gold bracelet weighing approximately 5

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tolas, and a gold ring. They also took away ₹50,000/- kept in a bag inside his Innova car and thereafter fled from the spot.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 30.08.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question as the date of incident alleged in the FIR in question is 17.07.2025, whereas, the petitioner was in custody in FIR No.380 dated 27.05.2025, registered under Sections 3, 2 of the Gangster Act, at Police Station Bisrakh, District Gautam Budh Nagar (UP) from 03.07.2025 onwards and he was granted concession of regular bail by the Hon'ble High Court of Judicature at Allahabad, on 17.12.2025. Learned counsel has further submitted that the petitioner has already suffered incarceration for more than 06 months. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of an affidavit dated 18.03.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that, as per information received by the Haryana Police, the petitioner (*herein*) was arrested on 12.09.2025 in FIR No.380 *ibid*, hence, case has been rightly set up against the petitioner. Learned State counsel also seeks to place on record the custody certificate dated 24.03.2026, in the Court today, which is taken on record.

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

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6. The petitioner was arrested on 30.08.2025, whereinafter, investigation was carried out and the challan *qua* the petitioner has been presented on 14.10.2025. Total 12 prosecution witnesses have been cited and it is conceded case that none has been examined till date. It is thus, indubitable, that conclusion of the trial will take long. The rival contentions; including as to whether the petitioner was in custody in another FIR in Uttar Pradesh on the date of incident alleged in the FIR in question; 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 the custody certificate dated 24.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months and 25 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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

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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 factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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.

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.

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

(SUMEET GOEL)
JUDGE

March 25, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No