

CRM-M-10270-2026

2026:PHHC:043398



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

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Arshad

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: March 19, 2026

Date of Uploading: March 19, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Soeb Khan, Advocate for the petitioner
(presence marked through video-conferencing).

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Section 439 Cr. P.C.) seeking grant of regular bail to the petitioner, in case FIR No.193 dated 23.05.2010, registered under Sections 395, 397, 201 and 412 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Camp Palwal, District Palwal. The first two bail pleas of the petitioner were dismissed as withdrawn, vide orders dated 11.08.2025 and 16.02.2026, respectively.

2. The gravamen of allegations against the petitioners is that the complainant, namely, Sudhir, along with his family, was travelling from Delhi to Etawah in a Tata Safari bearing registration no.HR-51-AF-4575 *via*

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Palwal. At approximately 2:00 AM, after crossing Palwal, their vehicle was intercepted by a white Tata Safari bearing registration No.UP-14-AV-6239, which had a blue beacon affixed to it. Believing it to be a government vehicle, the driver of the complainant stopped the car. Three individuals alighted from the intercepted vehicle and falsely claimed that they had met with a roadside accident. They then opened the doors and forcibly entered the complainant's vehicle. Subsequently, two more individuals from the same vehicle joined them inside. The accused persons then directed the complainant's vehicle towards village Pahadi, where they robbed the complainant and his wife of their jewellery. They also looted one laptop, one handycam, cash amounting to ₹3,00,000, a licensed revolver belonging to the complainant, the Tata Safari vehicle, and five mobile phones. The accused were armed with country-made pistols. Thereafter, they took the complainant and his family to village Khilluka, where they tied them up and fled the scene. The complainant and his family somehow managed to free themselves and subsequently reached Police Station Hathin, Palwal, to report the incident.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner was not named in the FIR. Learned counsel has iterated that the petitioner has been implicated on the basis of disclosure statement of the co-accused, which is not tenable

in law and the same cannot be the basis for showing complicity of the petitioner in the offence in question. Learned counsel has further iterated that no specific role has been attributed to the petitioner. Learned counsel has argued that nothing incriminating material has been recovered from the petitioner. Learned counsel has further argued that no Test Identification Parade (TIP) was conducted in this case. It has been submitted that the trial is delayed and folly thereof is no attributable to the petitioner.

3.1. Learned counsel has also argued that co-accused of the petitioner, namely, Ahmed has been accorded concession of regular bail, by the learned Additional Sessions Judge, Palwal, vide order dated 04.03.2023.

3.2. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further stated that after completion of investigation, the challan stands presented on 09.11.2024, and out of total 29 prosecution witnesses, only 01 has been examined till date. Learned counsel have further argued that the petitioner has suffered incarceration for more than 01½ years, and, thus, no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of an affidavit dated 16.03.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the grant of regular bail to the petitioner by arguing that there are grave/serious allegations against the petitioner. Learned State counsel has argued that the petitioner, along with other co-accused, was declared proclaimed offenders, on 30.12.2012 and has been arrested on

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19.09.2024, i.e., after more than 12 years. Learned State counsel has submitted that the petitioner has the active role in committing the heinous offence of Dacoity, caused grievous hurt to the complainant-side and has dishonestly received the looted articles and misappropriated the said property.

4.1. Learned State counsel has argued that, in case, the petitioner is granted concession of regular bail, there is all likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence/witnesses. On the strength of these submissions, dismissal of the petitions in hand is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. As per prosecution case, the allegations against the petitioner are grave and serious in nature. A perusal of the prosecution case disclose a well-planned and premeditated act of armed robbery, wherein the accused persons, by impersonating government officials using a vehicle fitted with a blue beacon, deceitfully intercepted the complainant and his family during late night hours. The manner in which the offence was executed—by forcibly entering the vehicle, threatening the victims at gunpoint with country-made pistols, and subsequently robbing them of valuable articles including cash, jewellery, licensed weapon, electronic items, and the vehicle itself—clearly establishes the serious and organized nature of the crime.

6.1. It is further the case of the prosecution that the petitioner, along with co-accused, not only committed robbery/ dacoity, but also wrongfully

confined the complainant and his family by tying them up in a remote village, thereby endangering their lives and safety. The conduct of the accused reflects complete disregard for law and public order, and such offences have a deep impact on the sense of security among the general public. The possibility of the petitioner influencing witnesses, tampering with evidence, or absconding cannot be ruled out, particularly considering the coordinated manner in which the offence was carried out.

6.2. Further, a perusal of the status report *ibid* reveals that the petitioner, along with his co-accused, had been declared a proclaimed offender in the year 2012 and was apprehended only in 2024. This clearly demonstrates that the petitioner had deliberately evaded the process of law for a prolonged period of time. Such conduct reflects a strong likelihood of absconding and a blatant disregard for the authority of law. The petitioner's past conduct, in remaining absconding for over a decade, also disentitles him from the discretionary relief of regular bail, as there exists a substantial risk that he may again evade trial proceedings if released on bail.

6.3. Indubitably, co-accused of the petitioner, namely Ahmed, has been granted the concession of regular bail, vide order dated 04.03.2023 passed by the learned Court below. However, a perusal of the said order reveals that the said application was the second attempt made by the co-accused to secure regular bail. It is further evident that the concession of bail was granted on specific grounds, *inter alia*, that the looted articles had been recovered from another co-accused, no further evidence had been led by the prosecution, despite effective opportunities, after the dismissal of the earlier

bail application, and the father of the said co-accused was suffering from illness. In the present case, as per prosecution case, the petitioner had received the looted articles and misappropriated the said property. One prosecution witness, namely, FIR-complainant stands examined. Thus, the petitioner cannot seek parity with the concession afforded to his co-accused, as aforesaid.

7. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable

ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- c. Prima facie satisfaction of the court in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338**."

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."

8. The allegations leveled against the petitioners are specific, grave and well defined, which *prima facie* indicate active participation of the petitioner in the commission of the offence. In the considered opinion of this Court, gravity and seriousness of the crime clearly disentitle the petitioner to the discretionary relief of bail. At this stage, no accentuating circumstances have been made which may, *prima facie*, constitute a compelling ground for the grant of regular bail to the petitioner; especially in light of the gravity of the allegations, conduct of the petitioner and the evidence on record. It also deserves emphasis that offences of this nature strike at the very root of public order, undermine the rule of law, and shock the conscience of society. Grant of bail, in such cases, may send a wrong signal to society and undermine public confidence in the administration of criminal justice. Furthermore, there exists a real and tangible apprehension that if enlarged on bail, the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses; especially when several witnesses are yet to be examined and the prosecution evidence is still to unfold.

8.1. The plea regarding false implication of the petitioner shall, but of-course, be ratiocinated upon during trial. As per prosecution case, upon culmination of investigation, final report/ challan was presented on 09.11.2024 and even charges stand framed on 07.03.2025. Out of total 29 cited prosecution witnesses, 01 has been examined.

9. Considering the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the concession

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of regular bail. Accordingly, the petition in hand is, thus, devoid of merits and is hereby **dismissed**.

10. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 19, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No