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

**CRM-M No.15820 of 2026
Date of Decision: 02.04.2026
Date of Uploading: 02.04.2026**

Rajkumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J.(Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 439 Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.298 dated 17.07.2025 under Sections 111(2), 310(2) and 311 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Kherki Daula, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, The S.H.O. Sahib, Police Station KhekriDaula, Gurugram. Sir, I,

Amrish Sharma S/o Shri Ram Kumar Sharma is resident of village Kheria Mehgaon, District Bhind (M.P.) presently resident of Basai Enclave, Gurugram. I am working on the post of General Manager at NCR Integrated Services. That our Company has provided the security at SS Cendana Sector-33 the project of SS Group. On date 11.07.2025 our site Supervisor has informed to me that since some days goods of Mibal shuttering is being stolen from our site. At this information I have visited the site and conducted the inspection and found that from our site a lot of goods of Mibal shuttering was missing. Then I have alerted to my security guards and enhanced the number of security guards. In the morning of date 16.07.2025 site Supervisor Virender has told me that tonight some goods were also stolen. That being the regular incidents of theft in the evening of 16.07.2025 I have enhanced the security and appointed my guards in the nearby area and I remained present at the site. That on date 17.07.2025 at the time of about 2.30 AM one pickup van, one motorcycle and some persons were seen near our site. Then I arrived to them along with my security guards. That from our site they were loading the goods of Mibal shuttering in pickup van and when we have raised the alarm "Chor Chor", then from their side one person has pointed the arm towards our direction and said that if you have come forward then will riddle you with bullets. On hearing the noise, remaining guards started coming towards our spot. In seeing the number of increasing the guards, by showing arms towards us they started running to different directions. The person who was holding arm in his hand and one another person have fled away in pickup van along with loaded goods of ours and they have left the motorcycle on the spot. That when our guards have chased them, then four persons were nabbed on the spot by our guards. The number of pickup van could not be seen by us and the number of motorcycle was HR 26 FN 3712 mark Splendor Plus. We have enquired the name and addresses of nabbed persons and first person has told his name Ubesh S/o Zalil Ahamad village Ohali Police Station Debarnia District Bareilly Uttar Pradesh and second person has told his name Anuj Mishra and Bhultun Mishra village Tamganj Police Station Narpatganj District Arariya Bihar and third has told his name Kunal S/o Anil Kumar village Daulatabad Police Station Rajender Park Gurugram and fourth one has told his name Raj Kumar S/o Monu village Daulatabad Police Station Rajender Park Gurugram. That when they were nabbed then one the spot being the pits and night, injury has inflicted at the hand of a person named Kunal. That till now we were enquiring from them about our previous thefts, and they have told about committing earlier a lot of thefts. Now I have come present at Police Station and I am producing before your goodself all of four persons and presenting motorcycle No. HR 26 FN 3712 recovered from the spot. You are requested that legal action should be initiated and later on I shall present by preparing the list of stolen goods of which value is about 32 Lakh. The Mibal shuttering was about 300 Square Meters. ---sd/--- Amreesh Sharma. 94794 75498. 17.07.2025. Police proceedings."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.07.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in

question. Learned counsel has further submitted that no recovery has been made from the petitioner which may invoke culpability qua the petitioner. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 8 months. Thus, regular bail is prayed for.

4. Learned State counsel 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 01.04.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 17.07.2025 whereinafter investigation was carried out and Challan stands presented on 13.10.2025. Total 16 prosecution witnesses have been cited but one has been partly examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which 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 custody certificate dated 01.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 15 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail 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.

April 02, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No