

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:042894



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CRM-M-41584-2025 (O&M)
Date of decision:18.03.2026

Deepak Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anmol Sharma, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.324, dated 17.10.2024, registered under Sections 140(3), 309(4), 309(6), 351(3), 61(2) and 238(a) of the BNS, at Police Station Bahalgarh, District Sonapat.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant – Krishna Yadav, alleging therein that he was working as a driver at Sidhi Vinayak Transport, Nurwala, Panipat. On the night of 16.10.2024, he had loaded 62 sacks of blankets from Shree Kailashpati Handloom factory in his truck and had left for Delhi. On the way to Delhi, he had stopped his vehicle near Bahalgarh bridge in order of ease himself and had parked the same on the side of the road. Suddenly, two

youths reached there. They forcibly pulled him inside a vehicle, extended beatings to him and tied his eyes and limbs. Thereafter, they tied him with the help of ropes with some tree and fled from the spot. He had somehow got untied himself with the help of passersby and found his vehicle, mobile phone and money kept therein to be missing.

3. After registration of the FIR, investigation proceedings were initiated. The looted truck was found located in an abandoned condition near village Garh Mirkpur. 12 sacks of blankets were recovered from the same and remaining were found missing. During the course of investigation, accused Adil, Amir and Mannu were joined into investigation of this case. They were in custody and their presence was secured through production warrants. They suffered disclosure statements admitting their involvement in this case. On their disclosure, the petitioner was nominated as additional accused. He was arrested on 09.01.2025 and suffered disclosure statement admitting his involvement in the crime and got recovered a sum of Rs.2000/- obtained by him by selling of looted blankets. Other co-accused were arrested subsequently. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No test identification parade of the petitioner has been conducted. The disclosure statement suffered by co-accused qua his involvement cannot be considered to be admissible in evidence against him. He is in custody for a period of over 01 year and 02 months. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. No useful purpose would be served by detaining him in custody anymore. It is,

therefore, argued that he deserves to be extended the benefit of bail.

5. Per contra, learned State counsel while relying upon the status report has vehemently argued that there are serious allegations against the petitioner. He is involved in one more case. There are chances of his committing more offences or absconding if extended benefit of bail. It is, therefore, argued that the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with co-accused is alleged to have looted the truck driven by the complainant and to have robbed him of the blankets loaded in sacks in the same vehicle. He was not named in the FIR and has been nominated on the basis of disclosure of co-accused. It is only on thorough assessment of the evidence to be produced during trial as to whether his complicity in the crime has to be established or not. He has been in custody since 09.01.2025. The trial will take considerable time to conclude as most of the prosecution witnesses are yet to be examined. However, the complainant has since been examined and has not identified the petitioner or any other accused as the persons who had robbed him of the vehicle and its belongings and had extended beatings to him. Though he is shown to be involved in some other cases, he cannot be held dis-entitled to the benefit of bail due that reason only. It is well settled proposition of law that bail is the rule and jail is an exception and the pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or

preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

8. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court informed about any change in his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

18.03.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE