



CRM-M-61602-2025 (O&M) -1-

**(232) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-61602-2025 (O&M)
Date of decision : 12.01.2026**

VIVEK YADAV

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Sarfaraj Hussain, Advocate for the petitioner

Mr. Ankit Chahal, Advocate for the complainant

Ms. Himani Arora, DAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.51 dated 24.01.2025 registered under Sections 310(2), 311, 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(1B)(a) and 27(1) of Arms Act registered at Police Station Sadar, District Gurugram.

2. As per the allegations, on the night of 23.01.2025, on receipt of information about an incident of dacoity having taken place, a police party reached at the spot, where the complainant Sahil Madaan submitted a written complaint, alleging that on the same day, his brother-in-law



CRM-M-61602-2025 (O&M) -2-

Sanjiv had given cash amounting to Rs.10,00,000/- to him and had instructed him to take Bijender Bhandari and Rajesh Sharma with him to Gurugram. He told him that some acquaintance of the above named Bijender Bhandari and Rajesh Sharma would meet them there to show some land, and advised the complainant to give the aforementioned amount as earnest money, if the said land was to his liking. The complainant along with the above named Bijender Bhandari and Rajesh Sharma and one Ravinder had left Panipat in his swift desire car. The aforementioned amount of money was kept in the boot of the car. After reaching Gurugram, Bijender Bhandari had called his relative Manish, who came along with one Manjit. Manish left the place after some time and told the complainant and others to reach the service lane near Rajiv Chowk Area. On reaching there, the complainant found Manish standing with some unknown persons. On asking of Manish and Bijender Bhandari, the complainant took cash amount of Rs. 10,00,000/- and while he was giving the same to Bijender Bhandari, one youth came from the back side and he pointed a pistol towards Bijender Bhandari and Rajesh Sharma and snatched the polythene containing money. Even Manish and his companion Manjit joined them. Some money fell down. Manish and his accomplices snatched the remaining money and fled from the spot. On his complaint, the aforementioned FIR was registered.

3. As per the further allegations, the accused Manish and Rohit Hooda were arrested. They suffered disclosure statements admitting their involvement in the crime. On the basis of disclosure statement suffered by the accused-Manish, the present petitioner and accused-Mandeep @

**CRM-M-61602-2025 (O&M) -3-**

Deepu were nominated as additional accused. The petitioner was arrested on 08.08.2025. He too suffered a disclosure statement and recovery of a sum of Rs.10,000/- and one i20 Car was effected from him.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since 08.08.2025. A false recovery has been planted upon him. A compromise has been effected between him and the complainant. He is not required for further investigation. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed by learned State counsel and has argued that there are serious and specific allegations against the petitioner. He has criminal antecedents since six more cases of serious offences have been registered against him. There are chances of committing similar offences or absconding, if the petitioner, extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

5. Learned counsel for the complainant has however, raised no objection for allowing the petition and has affirmed the fact that a compromise has been effected between the parties. He has also submitted that compromise (Annexure P-5) has been duly signed by the complainant.



CRM-M-61602-2025 (O&M) -4-

6. This Court has heard the rival submissions made by the counsels for the parties at considerable length.

7. The petitioner in connivance with the co-accused is alleged to have robbed the complainant of an amount of Rs.6,50,000. He was not named in the FIR and was nominated on the basis of disclosure statement of the co-accused. Though no relevance can be given to the document (Annexure P-5) which is stated to be a compromise between the petitioner and the complainant, at this stage, however, the petitioner is in custody since 08.08.2025. The trial will take time to conclude as even charges have not been framed. He is on bail in other cases as registered against him. His continued detention would not serve any useful purpose. The well settled proposition of law is that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case, lest the same prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and 02 surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.



CRM-M-61602-2025 (O&M) -5-

(ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) The petitioner shall appear before the learned trial Court as and when directed.

(iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

**(MANISHA BATRA)
JUDGE**

**12.01.2026
Amit Sharma**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**