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

CRM-M-70934-2025 (O&M)

Date of decision : 18.02.2026

VIKAS @ VICKY

... Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present: Mr. D.S. Matya, Advocate and
Ms. Palak Goel, Advocate for the petitioner

Mr. Aditya Pal Singla, AAG, Haryana

Mr. Roshan Lal Saini, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The instant one is the second petition 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 Sections 25(1B)(a) and 27(1) of Arms Act at Police Station Sadar, District Gurugram. The previous petition filed by the petitioner was dismissed as withdrawn on 10.11.2025.

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



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submitted a written complaint, alleging that on the same day, his brother-in-law 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, 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 bag 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



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Hooda were arrested. They suffered disclosure statements admitting their involvement in the crime. On the basis of disclosure statement suffered by the accused Manish and Mandeep @ Deepu were nominated as additional accused. Subsequently co-accused Abhimanyu @ Abhi, Amarjeet @ Bholu and Shamsher @ Modi were nominated as accused. They were arrested. They suffered disclosure statement on the basis of which the present petitioner and Vivek were nominated as co-accused. The petitioner was in custody in some other case. His presence was secured by way of issuance of production warrants and he was formally arrested on 04.09.2025. He too suffered a disclosure statement admitting his involvement in the crime and an amount of Rs.1,50,000/- has come to his share. He got demarcated the place of occurrence.

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 04.09.2025. No recovery has been effected from 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. Each day spent by the petitioner in custody gives him a ground to move for bail afresh. 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.

5. Per contra, learned State counsel and has argued that there are serious and specific allegations against the petitioner. He has



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criminal antecedents since five more cases of serious offences have been registered against him. This is the second petition for bail and is not maintainable. There are chances of his committing similar offences or absconding, if, extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

6. 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-3) has been duly signed by the complainant.

7. This Court has heard the rival submissions made by the counsel for the parties at considerable length.

8. 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-3) which is stated to be a compromise between the petitioner and the complainant, at this stage, however, the petitioner is in custody since 04.09.2025. The trial will take time to conclude as even charges have not been framed so far. 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 the Court, while considering an application for grant of bail, has to keep certain factors in mind such as whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence,



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circumstances which are peculiar to the accused, likelihood of the offence being repeated, the nature and gravity of the accusation, severity of the punishment in the event of conviction, the danger of the accused absconding or fleeing if released on bail, and reasonable apprehension of the witnesses being threatened, etc. However, at the same time, the period of incarceration is also a relevant factor to be considered while deciding whether bail should be granted to an accused charged with an offence. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. It is also well settled proposition of law that bail is the rule and jail is an exception. and pre-trial incarceration should not be a replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. 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 as well as surety bonds to the extent of two sureties to the satisfaction of the



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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.
- (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 number and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

9. 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.



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

(MANISHA BATRA)
JUDGE

18.02.2026
Amit Sharma

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