

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:066943



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CRM-M-16021-2025
Date of decision:19.05.2025

Dinesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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 bearing FIR No.309 dated 09.11.2024 registered under Sections 140(3), 310(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 238(a) and 61 of BNS have been added subsequently) at Police Station Sadar Narnaul, District Mohindergarh.

2. As per the allegations, the complainant - Rakesh Kumar was intercepted by three occupants in a white coloured car on the night of 08.11.2024 while he was going towards his house. He was abducted and taken to unknown place. His belongings were snatched. The abductors had got transferred the amount of Rs.1 lakh and Rs.62,000/- respectively from the bank account of the complainant by using his cell phone. Thereafter they damaged sim card of his phone and he was left in a forest area by them.

Initially, FIR was registered against unknown persons. During investigation, one CCTV footage was procured and the identity of the vehicle used in the crime was revealed. The said vehicle was sold to accused Ashish, who was arrested on 09.11.2024. He suffered disclosure statement admitting his involvement in the crime and also disclosed the names of the petitioner and co-accused Arun Kumar and Rajesh. Petitioner and other above mentioned accused were arrested on 10.11.2024. He demarcated the place of occurrence in pursuance of his disclosure statement and got recovered a mobile phone and cash amount of Rs.2000/-. Other persons involved in the occurrence were also arrested subsequently. Investigation now stands completed and challan has been presented in the Court.

3. 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 that cannot be considered to be admissible in evidence. A false recovery has been planted upon him. He is in custody since long. Co-accused Vikash and Arun Kumar, who were on similar footings, have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The trial would take considerable time to conclude. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed. Learned State counsel has argued that keeping in view the gravity of allegations, petition does not deserve to be allowed.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner along with co-accused is alleged to have hatched

a conspiracy and in pursuance thereof, the complainant was robbed of his money and was thrown in a jungle. The petitioner is in custody since 09.11.2024. Challan has been presented. Trial would take time to conclude as no prosecution witness has been examined so far. The petitioner does not have criminal antecedents. Two of the co-accused, Vikash and Arun Kumar, who are on similar footings have since been extended benefit of bail. Keeping in view the period of incarceration of the petitioner, on parity, and the above discussed facts and circumstances, but without meaning to make any comment on the merits of the case, lest and prejudice to the case of the prosecution/petitioner is caused, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

19.05.2025

harjeet

(MANISHA BATRA)
JUDGE

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