



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

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**CRM-M No.61329 of 2024  
Date of decision : 29.7.2025**

**Ajay @ Aman****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. S.K. Bishnoi, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.274 dated 19.4.2023, under Sections 212, 379-A, 354, 34 of the IPC and Sections 25(1-B)A, 25(1-B)(C) of Arms Act (Section 354 of IPC was deleted and Section 454 of IPC was added later on vide order dated 21.5.2025), registered at Police Station City Hisar, District Hisar.

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 SHO, Police Station City Hisar. Sir, It is requested that I am Arjun son of Jugal Kishore resident of 123 Bhama Shah Nagar, Hisar and my grocery shop is in the house in Bhama Shah Nagar. Today on 19.04.23 I was sitting at my shop at around 8.15 AM. At that time two boys came in*



*front of my shop on a motorcycle. One of the boys came to my shop on the pretext of buying chocolates and snatched the gold chain weighing around 2 tolas along with the locket worn from my neck and took it away. Both the boys fled on their motorcycle. On searching the surrounding areas, the name of one of the boys who committed the crime was found to be Kalia resident of Chandan Nagar. Action should be taken against the accused and my gold chain and locket should be recovered. SD Arjun Arjun son of Jugal Kishore resident of 123 Bhama Shah Nagar, Hisar 9355348700.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.8.2023. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the role ascribed to the petitioner is only supplying the illegal arms to the accused, who has actually committed the offence of snatching. Learned counsel has further submitted that the petitioner has already suffered incarceration for about 2 years and there is no progress in the trial. 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 28.7.2025 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 14.8.2023 and is in continuous custody since then. After completion of investigation, challan was filed on 4.11.2023 *qua* the petitioner wherein 18 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable



that conclusion of trial will take its own time. The rival contentions 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 28.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, eleven months and twenty-one days. As per the said custody certificate, the petitioner is stated to be involved in 22 more FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.



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.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

**(SUMEET GOEL)**  
**JUDGE**

**29.7.2025**

*Ashwani*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No