

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

CRM-M-59846-2024  
Reserved on: 03.03.2025  
Pronounced on: 11.03.2025

Jaan Mohd. ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Jain, Advocate  
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
25	12.03.2024	Sadar Sohna, District Gurugram	379, 465, 467, 468, 471, 411, 34, 420, 120-B, 201 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	317/2023	-	457, 380 IPC	Shahjhpur
2.	279/2021	-	379 IPC	HSIDC Bari
3.	548/2021	-	379 IPC	Tosham
4.	427	26.06.2024	411 IPC and Arms Act	Sadar Gurugram
5.	191/2024	-	397 IPC	Jhajjar
6.	12/2023	-	379, 411 IPC	Rasoolpur

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“3. That the brief facts of the case are that that on 12.03.2024, complainant Rakesh Sharma presented an application in the police station with allegations that he was engaged in the business of Transport. On 11.3.2024, at about 8.a.m. when he woke up, he found that his vehicle Tata Sigana bearing registration No. HR55AL-9074 was missing and was stolen by some unknown person. Legal action was sought.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“11. That it is apposite to mention that the petitioner is a habitual criminal and is at the helm of an organised gang involved in crime of truck theft. He was the person who had committed the theft of the vehicle belonging to the complainant and thereafter the same had been sold by him to the co-accused Mohd. Niyaj. The proceeds of sale had been credited to the account belonging to the petitioner.”*

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 3 of the bail petition, the petitioner has been in custody since 30.06.2024. Stolen vehicle, chasis, engine etc. have already been recovered. The petitioner's total custody in this FIR is more than 08 months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or	

	considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

11.03.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.