

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30922-2025
Reserved on: 14.07.2025
Pronounced on: 28.07.2025

Deepak ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mazlish Khan, Advocate for
Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	18.02.2024	IMT Rohtak, Distt. Rohtak	406 IPC (Sections 407, 420, 465, 467, 468, 471, 483, 120-B, 201 IPC added later on)

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

2. As per paragraph 17 of the bail application and as per paragraph 12 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	185	24.07.2017	148, 149, 323, 324, 506 IPC	Sadar Panipat
2.	519	13.09.2018	148, 149, 323, 324, 506 IPC	City Gohana
3.	70	07.06.2019	323, 354-B, 506 IPC	Moohana
4.	122	19.03.2019	25 of Arms Act	City Gohana
5.	74	12.01.2022	506 IPC	Sadar Gohana
6.	102	05.04.2023	506, 34 IPC	Sadar Gohana
7.	10	2018	25 of Arms Act	Sadar Gohana
8.	318	2023	148, 149, 323, 452, 506, 120-B IPC	Barauda Sonipat
9.	541	2022	174-A IPC	Sadar Gohana
10.	61	2016	147, 149 IPC and National Highway Act	Sadar Gohana
11.	112	2023	148, 149, 323, 341, 506 IPC	City Gohana
12.	510	2023	148, 149, 323, 341, 506 IPC	City Gohana

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

“2. That the facts of the case are that a complaint has been moved by complainant Ashok son of Raja Ram, resident of Village Boliya, Tehsil Gharoth, District Mansor, Madhya Pradesh alleging therein that he is working as Clerk/Munshi in Diwakar Trading Company situated at Boliya. On 16.02.2024, the owner of the company had demanded a truck from Jai Bhawani Roadlines Mansor Transport, upon which, Jai Bhagwan Roadlines had sent a truck bearing No.UP-31-AT-7576. The owner of the said truck was Deepak son of Baljeet, resident of H.No.1468, Himtana Pana Mundlana, District Sonapat and driver of the truck was Sunil son of Suresh Kumar, resident of Ward No.5, Rohtak. The owner and driver of the aforesaid truck came to the company and owner of the company got loaded 30 tones 40 kilograms of mustard crop amounting to Rs.15 lakhs in the said truck and he was sent by the company to Bhiwani with the truck. On 17.02.2024, at about 10.30 p.m.. when they reached Outer Bypass Delhi Road, Rohtak then owner of the truck namely Deepak on the pretext of drinking tea or water, he took him off the truck, put him in an auto and took him to Delhi bypass and asked him to reach where the truck was standing. When he reached where he took him off the truck, he found the truck missing. He searched the truck at his own level but did not find. Thereafter, he called the owner of the truck through his mobile phone but the mobile phone was found switched off. The complainant prayed to take appropriate action against the culprits. On the basis of aforesaid complaint, a case vide FIR No.47 dated 18/2/2024 U/s 406 IPC was registered at P.S. IMT, Rohtak.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR and in those cases, where he is on bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his 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 reads as follows:

“11. That the specific role of the petitioner is that the petitioner got prepared the forged documents of the truck i.e. power of attorney, registration certificate and projected to be a vehicle attached with a Transport Company. The petitioner and co-accused Pardeep took consignment of mustard from Madhya Pradesh for delivery to Bhiwani. In the transition, Ashok, a complainant, the Clerk of the Madhya Pradesh company also traveled and when they reached local jurisdiction of Rohtak, under a pretext and planning, the present accused got down Ashok Clerk from the vehicle for taking tea and put him in an auto and took him to Delhi Bypass and in the meantime the petitioner alongwith co-accused Pardeep fled away and unloaded the said mustard consignment with active connivance with the traders at Gohana Mandi and unloaded the same.”

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. As per paragraph 15 of the bail petition, the petitioner has been in custody

since 18.12.204. As per the custody certificate dated 13.07.2025, the petitioner's total custody in this FIR is 01 year, 03 months and 03 days. 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.

8. 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.

9. 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.

10. 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)	

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

12. 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.

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

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

28.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.