

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

CRM-M-18692-2025  
Reserved on: 07.05.2025  
Pronounced on: 19.05.2025

Gurnam ..Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vijaydeep Rathee, Advocate  
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
508	01.07.2023	Kundli, Dist. Sonipat	34, 379B IPC (later on added Sections 120B, 201, 411 IPC)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. Per paragraph 16 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	379	2023	395, 397, 412, 120B, 201 IPC and 25 of Arms Act	Kharkhoda
2	468	01.12.2018	399, 402 IPC	Murthal
3	115	2022	25, 54, 59 of Arms Act	Murthal

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

*“That before proceeding further with the present reply, it is imperative to mention some brief facts of the case, which are that Facts in brief are that on 01.07.2023 complainant Nitish Kumar son of Lalan Yadav resident of Khempur, District Samastipur, Bihar by coming into the Police Station Kundli moved a complaint in which he disclosed that he was employed as truck driver for the last 3-4 months with owner Parminder Singh. On 28.06.2023 after loading truck No.UP-33AT-7960 from Taran Taran, Punjab, with 30 tons of rice he set out for Alipur, Delhi. He was all alone in the vehicle. On 30.06.2023, at about 12.00 'O' clock in the night when*

*he stopped his vehicle on G.T. Road to have guard, 2/3 persons intruded in the cabin of the truck and started giving beatings to him with kicks. One of the intruders gripped the complainant from the neck, made him fall down and along his vehicle they brought him to unknown place. At the unknown place, those intruders tied him, put him in the white colour Car and left him at undisclosed place and took away his truck loaded with rice. In the truck, his mobile phone K-pad No.97818xxxxx, important documents. Aadhar Card and licence were also taken away. Taking the help of some passersby, he passed on information to the truck owner Parvinder who came all along from Punjab and he moved complaint to the police the complainant sought for legal action against the accused persons.”*

4. The petitioner's counsel on instructions submits that petitioner would not repeat the offence and would not involve himself in the offence where sentence is more than seven years and if he does so, he would have no objection if the State files application for cancellation of bail. Counsel further 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 reply.

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

*“12. That thereafter, it was revealed that co-accused Farukh was confined in Distt. Jail Nuh after being arrested in another case, upon which his production warrants were got issued from the learned court on 24.07.2024 for 29.07.2024, on which date, he was joined in the investigation of the present case and was arrested in this case on 29.07.2024. On interrogation accused Farukh suffered disclosure statement and admitted his guilt and also disclosed that he was known with accused Anil @ Kalu, Deepak @ Bhoria, Gurnam @ Bholu and Dheeraj for the last 4/5 years and about one Bar ago, they all had brought truck bearing no. UP-33AT-7960 to him and told him that they had snatched the said Truck, upon which he had agreed to Purchase the said Truck at lesser rate i.e. for Rs. 4,00,000/- out of which he had paid Rs. 2,85,000/- in cash to all four of them and remaining amount was agreed to be paid subsequently, but out of greed, he had not paid the remaining money to them. After 1-2 months, he had sold out the said Truck to his known Hasim son of Deenu of Rs. 4,00,000/- and when said Hasim asked him about the documents of said Truck, he had told him that it was a snatched truck, which was snatched from Kundli, Sonipat due to which he was not having any documents of the said truck. He further disclosed that Rs. 4,00,000/- which he had received from co-accused Hasim were spent by him on persons and household*

*expense. The case against accused Farukh is still under investigation and supplementary challan against him is likely to be submitted in the court very soon. From the investigation conducted so far, accused Hasim son of Deenu, resident of Kabadi, Distt. Deegh, Rajasthan is yet to be arrested in the present case.*

*13. That the accused Anil@ Kaku son of Jai Bhagwan R/o Depalpur, Sonipat, Gurnam @ Bholu son of Harish resident of village Tewari, Sonipat, Dheeraj son of Harjender R/o village Rajlu Garhi, Sonipat, Sachin @ Situ son of Balibir resident of village Bhadhana and Pawan @ Pona were good friends of each other. As per plan on dated 03.06.2023, all accused hatched conspiracy to loot the trucks and will be sold out the looted goods and will be distributed the amount between them. According to their plan, Anil @ Kaku, Gurnam and Dheeraj were searching the truck in vehicle bearing no.HR-56DL-9325 of Anil (Car 1-20). At about 12:00, one truck had stopped at Janti turn, GT. Road Kundli and trio had entered into the truck. They IND/gave beating to the driver of the truck and also snatched his Mobile, Adhar card, Driving Licence and original documents. That they said to Dheeraj to come behind the truck. Thereafter, they had shifted the driver of truck in Dheeraj's car, Anil and Gurnam had taken the truck. The petitioner and Dheeraj had left driver of the truck at abandoned place at Village Halalpur, Sonipat, they tried to sell the looted rice but not succeed. They had told these facts to Sachin @ Situ and Pawan @ Pona in respect of truck looted by them. Sachin @ Situ and Pawan @ Pona gave assurance to sell the looted rice. That Sachin @ Situ an Pawan Pona had sold out the rice bags to his known person at Brahamanwa, Rohtak, Bisar Akabarpur and Mewat. Sachin and Pawan told that they had sold out the rice in sum of Rs. 5,60,000/-. The petitioner and other accused said to Sachin and Pawan to hand over Rs. 5,00,000/- to them after keeping Rs. 60,000/-with them. On which Sachin had sent Rs. 54,000/- through Google pay on the number i.e. 7027535677 of the petitioner from his mobile no. 9050535556, and Rs. 93,000/- has transfer on the google pay account of Dheeraj vide google pay mobile no.8222823281 and remaining Rs. 3,53,000/- had given to them in cash. Faruk @ Fakru @ Faizal resident village Ghatimika Mewat is the known of the petitioner. Anil, Gurnam and Dheeraj and they had said to him to sell the looted truck and Faruk gave assurance to purchase the looted truck in cheap rate, and matter was settled in Rs. 4,00,000/- but Farukh had given only Rs. 2,85,000/- and refused to pay remaining amount and in this the petitioner and other accused had obtained only Rs.7,85,000/- and they had distributed the said amount and every accused including*

*petitioner get Rs. 1,96,000/-. The petitioner had spent some amount and having only Rs. 80,000/- in his possession. That Rs. 80,000/- were recovered from the petitioner. Copy of disclosure statement of the petitioner is annexed as annexure R-1.”*

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. Per paragraph 7 of the bail petition, the petitioner has been in custody since 01.09.2023 Per the custody certificate dated 07.04.2025 the petitioner's total custody in this FIR is 01 year, 07 months & 07 days.

8. 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, subject to the compliance of terms and conditions mentioned in this order.

9. 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.

10. 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.

11. 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)	

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

13. 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.

14. 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.

15. **This bail is conditional, and the foundational condition is that if the petitioner repeats the offence or involves himself in the offence where sentence is more than seven years, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

17. 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.

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

(ANOOP CHITKARA)  
JUDGE

19.05.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No