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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
(246)

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Date of decision:04.09.2025

Nitesh Kumar

..... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Pardeep Panwar, Advocate, for the petitioner.

Mr. Vishal Kashyap, Sr. DAG, Haryana.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in this petition under Section 483 of the BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.253 dated 20.10.2020 under Sections 398, 401 IPC and Section 25 of the Arms Act, 1959 registered at Police Station BPTP, District Faridabad, Haryana.

2. The present FIR came to be registered at the instance of Bhupender Singh and reads as under:-

*"To the SHO sir police station BPTP. Today, I am present with HC Dinesh Kumar No. 487 CT. Nishar 1501 CT. Harkesh No. 465 CT. Vikash No. 1134 with government vehicle TATA SUMO No. HR 51 BM-8073 with driver Sanjay No. 2922 for crime investigation at Bihari Market Road SRS Road that a special informer informed me that on the road going from DPS Chowk to Bhatola village three young boys with iron rods, sticks and*

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*weapons in their hands are trying to rob the vehicles by parking their car without number plate in front of the vehicles going towards Bhatola. If an immediate raid is conducted on them, the vehicles being looted can be caught. Believing this information to be true, the ASI informed about the information given by a fellow employee. The ASI switched off the lights of the government vehicle TATA Sumo and reached DPS Chowk along with the employee and started waiting for a vehicle going towards Bhatola village. After some time, a pickup vehicle came from the side of BPTP bridge, whose rear number plate had mud on it and only HR was visible on the number plate, rest of the number was not visible. The ASI also started driving his government vehicle TATA SUMO behind the pickup vehicle. As soon as the above pickup vehicle reached on Bhatola road ahead of W/S OMAX building, one of the boys standing near the car parked there lit a torch and the others started firing with sticks and rods in their hands. They came on the road and stopped the above pickup vehicle and tried to loot it, but the driver of the pickup did not stop his pickup and took a cut and drove away. Thereafter, those boys forcibly stopped our Sumo vehicle which was running behind the pickup and tried to loot it, on which ASI, with the help of a fellow officer, caught all the three young boys on the spot, on interrogation, one told his name as Nitesh S/O Baijnath R/O Parvatiya Colony, Baba Mandi, Sonia Chowk, PS Saran, District Faridabad and the other gave his name as Aashiq S/O Yamin Khan R/O village Fatepur Taga, police station Dhauj, currently H.No. 412 Murari Khal Chhelka Wali Gali, Bhadana Chowk, Parvatiya Colony, Faridabad and the third one gave his name as Ajruddin S/O Kallu village Fatepur Taga, PS Dhauj, district Faridabad and on searching the above Nitesh, a torch was recovered from his right hand, a separate blueprint of the torch was prepared and a*

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*scale was prepared and on searching Aashiq, a bamboo stick was recovered from the right hand of the accused which on measuring was found to be 2 Feet 14 CM and a country made pistol of iron 3.15 bore was recovered from the right pocket of the pant worn by the accused which on measuring was The length of the barrel is 26 CM and the length of the butt is 9 CM and the length of the body is 10% CM. When the country made pistol was opened and checked, the barrel was found empty. When asked for the license for keeping the country made pistol in his possession, he could not produce it. A separate blueprint of the country made pistol and the stick bamboo was prepared and a palanquin was prepared. The iron rod held in the right hand of Ajruddin above was recovered. On measuring the length of the iron rod was found to be 2 Feet 27% CM. A separate blueprint of this was prepared and a palanquin/khaka was prepared. The recovered, torch, bamboo, stick, country made pistol and iron rod were taken into police possession in the Bajaria Fard. Veranda, torch, bamboo, stick, country made pistol and iron rod were all sealed with one or two seals of BS each. After the seal was used, they were handed over to CT Nishar. The accused and the witness put their signatures on the FIR and Khakha, the car of the accused, a car of silver colour parked at the spot, was taken into police custody as evidence in a separate FIR. All the three above-mentioned young boys had hatched a plan together and tried to rob the passing vehicles and had illegally possessed a country-made pistol, and have committed the crime under section 398/401 IPC 25/54/59 ARMS ACT. Therefore, the complaint is being sent to the police station of constable Harkesh No. 465 for a regular case. After the regular case number is informed through the slip. For further investigation, another investigation officer should be sent to the spot. A special constable should send a special*

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*report to the officers. ASI is busy in investigation at the spot.  
Today, Bhatola Road SD:- ASI BHUPENDER SINGH*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was initially granted the concession of regular bail on 10.12.2020. He, thereafter, could not be present before the Trial Court on 20.11.2023 and his regular bail was cancelled. Thereafter, he himself surrendered on 22.07.2025. As he was granted the concession of regular bail at an earlier stage, he may be granted the same concession now as well.

4. The learned counsel for the State, on the other hand, contends that though the petitioner was granted the concession of bail, he remained absconding for almost 02 years. There is every possibility that he would once again abscond from the Trial in case he is granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was granted the concession of bail on 10.12.2020 and faced Trial for approximately 03 years. Thereafter, he absconded for about 02 years and surrendered only on 22.07.2025. The absence of the petitioner has delayed the conclusion of the Trial. There is every possibility that he would abscond once again if he is granted the concession of bail.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

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8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

9. The pending application(s), if any, shall stand disposed of accordingly.

**September 04, 2025**  
sukhpreet

**( JASJIT SINGH BEDI )**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No