



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

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CRM-M-24748-2025

Date of decision: 20<sup>th</sup> May, 2025

Hemant Gupta

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Ritesh Tomar, Advocate for the petitioner.

Mrs. Sheenu Sura, Deputy Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 249 dated 08.09.2024 registered under Sections 126(2), 3(5), 61(2) and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(1-B)(A) of Arms Act, 1959 at Police Station Sector 31, District Faridabad.

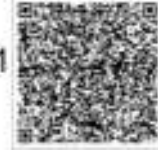
2. As per the allegations, on the night of 01.09.2020, at about 11:00 PM, the complainant Malkit Singh, who was running a fast food shop, was going towards his house on his bike. His employee Deepak, who was accompanying him. While on the way, he was intercepted by three youths, who came riding on a bike. Two of them, alighted from their vehicle. They were armed with a knife and pistol, and by showing the same, they took away the wallet of the complainant containing cash amount of Rs. 11,800/-.



The mobile phones of Deepak and himself were also snatched by them and then they escaped. After registration of FIR, investigation proceedings were initiated. During investigation, the accused Nitish @ Khali, who was arrested in another case, suffered a disclosure statement whereby the involvement of the present petitioners and co-accused was revealed. The petitioner was nominated as such and was arrested on 07-10-2024. He suffered disclosure statement. It is revealed that the knife used at the time of the occurrence was arranged by him and was given to the co-accused and the snatched money had been credited to his bank account also. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case, on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. There is delay of seven days in reporting the matter to the police, which has cast a doubt on the genuineness of the prosecution version. A false recovery has been planted upon him. The trial will take time. All the co-accused have been extended benefit of bail. On parity, he too deserves to be released on bail. His further incarceration will be of no use. Accordingly, it is stressed that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Haryana, has argued that there are serious allegations against the petitioner, who, in pursuance of a conspiracy hatched with the co-accused, had robbed the complainant of his money and cell phone by showing pistol and knife. It is argued that keeping in view the gravity of the allegations, he does not deserve to be released on bail.



5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner is in custody since 07.10.2024. Custodial interrogation of the petitioner is not required. The trial has commenced but will take time to conclude. The co-accused against whom similar allegations have been levelled, have been extended benefit of bail. The petitioner has clean antecedents. Keeping in view the period of his incarceration, the nature of the allegations levelled against him, on parity, and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, it is observed that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**20<sup>th</sup> May, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*