

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:080199



223

CRM-M-24403-2025

Date of decision: 07.07.2025

Shivam @ Lali

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhimanu Jangra, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.219 dated 13.11.2024 registered for the offences punishable under Section 310(2) of BNS, 2023 (akin to Section 395 of IPC) & Sections 25 & 29 of the Arms Act, 1959 (added lateron) at Police Station Sector-17, District Faridabad.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, Mr. Incharge Sahib, Police Chowki, Sector 16, Faridabad, Sir, I request that I am Sonu son of Ranjeet Singh Yadav, resident of House No. 136, Street No. 5, Saraswati Basti Part 2, Sector 91, Faridabad and I have

bought a Swift Dzire car number HR 38 AA 3057 and have put it in Ola company. I mostly keep my car near Old Railway Station, Delhi. On the night of 12/13-11-2024, my car was parked at Old Railway Station, Delhi. When I logged into my phone at around 12.05 AM, I got a booking from Ola for Faridabad, so I booked the car and from Old Railway Station, Delhi, I took five people and left for Sector 16A, Faridabad. When I reached the location near Sector 16A Sai Mandir, a police rider was already standing there. When I asked them (the passengers) to get off the car there, they said to drop them a little further so that the can go a little further I stopped the car after reaching in front of Grand Columbus School, Sector 16A, Faridabad and asked them to get down. They gave me Rs. 760/- as fare. As soon as I took the money and put it in my pocket one of them put a gun on my stomach and robbed my pocket's approximately Rs. 15000, mobile phone and Om Pendant. At that very moment the car horn blew and as soon as the horn blew, those people got down from the car and ran away on foot taking with them the robbed money, phone and Om Pendant. Legal action should be taken against those people and my robbed money, mobile phone and Om Pendant should be recovered.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 23.01.2025. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner further submitted that, assuming arguendo, the prosecution version is taken to be true, the petitioner is not involved in actual snatching of the vehicle but is only said to have helped one co-accused namely Sachin @ Tota for procuring the illegal firearm. Learned counsel for the petitioner has further

submitted that there is no allegation of the petitioner being involved in actual dacoity. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 23.01.2025 whereinafter investigation was carried out and challan was presented on 15.02.2025 wherein total 22 witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question & the weightage/veracity of the evidence brought by the prosecution alongwith challan (final report); are issues of contentious nature which are essentially required to be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 05.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration for 5 months and 13 days. Further, as per the said custody certificate the petitioner is stated to be involved in one other FIR. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the

petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police

Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 07, 2025

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No