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

**CRM-M-18006-2025 (O&M)  
Date of Decision : 02-05-2025**

Md Rasid Alias Mo Rashid

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Anas Ahmed, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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**ANOOP CHITKARA, J. (Oral)**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
372	19.12.2024	DLF, Phase 1, District Gurugram	312, 313 BNS, 2023 and 25 (1-B)(a) Arms Act 1959

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

2. In paragraph 7 of the bail petition, the accused declares his criminal antecedents as follows:

<b>S.No.</b>	<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
1.	622	2024	Kherki Daula, Gurugram	305, 331(6) BNS

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

“2. That the brief facts of the present case are that on 19.12.2024, police party comprising of ASI Ajit, EHC Yuvraj and Ct. Rohit were present in Government Bolero Car No. HR-26-GV-7012 at Mehrauli Gurugram road for crime patrolling duty. At that time, a passer-by met ASI Ajit and informed him that three young boys are standing at the road going from 42/27 Chowk towards Khushbu Chowk. They have weapon with them and are conspiring to commit robbery using a weapon and torch. The said passer-by further told that when he was at some distance from the said persons, they tried to stop him for robbing him, however, due to distance,

he managed to run away. He further said that if raid is conducted, the said boys can be apprehended. He was very scared and refused to join the raiding party. The police party raided the place disclosed by the passer-by. They saw three boys standing at a dark place. When the police party reached near the boys in their vehicle, one of the said boys gave signal using his torch to stop the vehicle. Another one came with his weapon on the window towards the driver side while third one with an iron rod came on the other side (conductor side). They asked to ASI Ajit to come out and give them money. ASI Ajit switched on lights inside the car. Upon seeing the police personals sitting in the car, all of them started running. The police party overpowered and apprehended the said boys. The person apprehended by ASI Ajit disclosed his name as Shahid and one iron rod was recovered from his possession. The person apprehended by HC Sumer disclosed his name as Ali Hassan and one countrymade pistol (desi katta) having one live cartridge were recovered from his possession. He could not produce any license/ permit for the said desi katta. The person apprehended by EHC Yuvraj disclosed his name as Md. Rashid and one torch battery was recovered from his possession. Thereupon, the above mentioned FIR No. 372 dated 19.12.2024 u/s 312, 313 BNS and 25(1-B)(a) Arms Act was registered at P.S. DLF Phase-I, Gurugram.”

4. The petitioner's counsel prays for bail and has no objection to imposing any stringent conditions including surrender of firearms and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further undertakes that during the period of bail, he shall not commit any offence and in case he commits any offence in which the sentence provided is more than seven years, the State shall be at liberty file an application for cancellation of bail, to which they will not raise any objection.

5. The State's counsel opposes bail and refers to the reply.

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

“6. That the role of the petitioner Md. Rashid has come forth in the present case is that he along with accused Shahid and Ali Hassan were standing at the road going from 42/27 Chowk to Khushbu Chowk, Gurugram and they were planning and preparing for robbing the people. When the police party reached there in their vehicle, the petitioner had got stopped the vehicle by showing torch to them. After being apprehended by EHC Yuvraj, one torch battery was recovered from the possession of the petitioner.”

7. Allegations against the petitioner are of planning and preparing for the robbery, however, no robbery was committed and as such, no ground is made out to deny bail to the petitioner. Pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 5 of the bail petition, the petitioner has been in custody since 19.12.2024. Per the custody certificate dated 6.4.2025, the petitioner's total custody in this FIR is 3½ months. 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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. State's counsel does not dispute the fact that the petitioner has duly cooperated in the investigation.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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.

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

02-05-2025  
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**(ANOOP CHITKARA)**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO