



CRM-M-65317-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-65317-2024 (O&M)  
Date of Decision: 13.01.2025

RAVI KUMAR @ RAVI @ NANNU

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

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

Ms. Priyanka Sadar, AAG, Haryana.

...

**SUMEET GOEL, J. (Oral)**

1. The instant petition has been filed on 10.12.2024 under Section 439 of Cr.P.C., 1973 for grant of regular bail.

As per the judgment rendered by this Court titled '*Abhishek Jain Vs. State of U.T. Chandigarh and another*' (CRM-M-31808-2024) **2024PHHC085784**, the instant petition is not maintainable under Section 439 of Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.163 dated 24.06.2024, registered for the offences punishable under Sections 395, 120-B, 412 and 201 of IPC and Section 25 of Arms Act at Police Station Chhachrauli, District Yamunanagar, Haryana.

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

*“The summary of the case is as follows, that on 24.06.2024, the complainant Ashok Kumar son of Shri Rajeshwar Prasad, House No.5/99, Mohalla Kanhaiya Lal Chhachhraull, District Yamunanagar, came to the police station Chhachhrauli and presented an application which is under. To the Police Station House Officer Chhachhrauli, request that I, Ashok Kumar son of Shri Rajeshwar Prasad, resident of House No.5/99, Mohalla Kanhaiya Lal Chhachhrauli, District Yamunanagar. I have a plywood factory in the name of Shri Vaishnavi Products in Village Hadauli, which we set up in the year 2019. Our factory has been closed for about 18 months. We have kept two watchmen there, out of which one is Rajesh Kumar son of Shri Chhagelal, resident of Village Nagalakhuru, District Farrukhabad, Uttar Pradesh and another namely Jaikumar son of Shri Roshan Lal, resident of Hadauli, District Yamunanagar. On 24-06- 2024, around 5:00 AM, I received a call informing me about a theft in the factory. After which I reached the spot and found both the watchmen there. They told me that around 12 in the night, 5 unknown youths entered the factory from the back door. They might have more accomplices behind them. They tore our clothes and held us hostage with those clothes. Then they opened the transformer at the back and took away copper coils and all the valuables from inside it. While leaving, they broke the lock of the office and took away the DVR of the camera. Hence, I request you to recover our belongings and take strict action against the accused. SD Ashok Kumar Ashok Kumar XXXXXX..... Police proceedings.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.08.2024. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. It has been iterated by learned counsel for the petitioner that no TIP (Test Identification Parade) was conducted by the police before involving the petitioner into the FIR in question. Learned counsel for the petitioner has further argued that the police, in order to, solve the crime in question, has named the petitioner as an accused therein, since the petitioner is stated to be involved in other cases of theft before the alleged incident. Hence, the regular bail is prayed for.

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

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

6. The petitioner was arrested on 19.08.2024 whereinafter investigation was carried out & challan was presented on 16.10.2024. Total 24 prosecution witnesses have been cited and none has been examined till date. It is indubitable that conclusion of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question & the effect of TIP (Test Identification Parade) not having been conducted by the police; shall be gone into 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 prosecution evidence. As per the custody certificate dated 12.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 04 months and 20 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of



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*Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477* & judgments of this Court in *CRM-M-38822-2021* titled as *Akhilesh Singh vs. State of Haryana*, decided on 29.11.2021 and *Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191*. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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 cellphone 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/Illaqqa Magistrate.

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(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.

**13.01.2025***Jasmine Kaur***(SUMEET GOEL)  
JUDGE**

Whether speaking/reasoned

Yes No

Whether reportable

Yes No