

2025:PHHC:109959



CRM-M-39155-2025

218

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

CRM-M-39155-2025

Date of decision: August 21, 2025

Vikas alias Vikash

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.526 dated 17.10.2024, registered for the offences punishable under Sections 111(2)(b), 310(4), 310(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(6) of the Arms Act, 1959 (for short 'Arms Act') (Section 25(1-b)(a) of the Arms Act added later on), at Police Station Khedki Daula, District Gurugram.

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

"To, Station House Officer, Police Station Khedki Daula, District Gurugram. Sir, it is humbly requested that today 1 along with A.S.I. Arun Kumar No. 165/Gurugram, A.S.I. Harjeet Singh No.176, A.S.I. Krishan Kumar No.106, EASI Vishnu Dutt No.2165, EHC Jitender No.3664, Constable Manjeet Kumar No.2134 was present at Rampura Chowk, Highway No.48 at 05-40 PM on official vehicle Scorpio, the driver of which is Constable Harish Kumar No.2031, in connection to patrolling and inquiry of crime, when, a special informer met and informed that Dheeraj son of Ramesh Chander resident of Village

2025:PHHC:109959



CRM-M-39155-2025

Nakhdola, Police Station Khedki Daula, District Gurugram presently residing at H.No.78, Surya Vihar, Block C, Police Station Sector-9A, Gurugram, District Gurugram is sitting in his office at Village Nakhdola along with 5-7 other boys, namely Samundar Deshwal alias Rathi and Sagar residents of Atawla, District Panipat, Manish resident of Village Acched, Anuj resident of Village Dharampur, Vikas resident of Village Khachroli, District Jhajjar. Earlier, all of them were in the Ashok Rathi gang and now they are running Rathi Gang and Dheeraj Nakhdola gang. On 05-10-2024, two of them namely Samundar and Sagar had demanded ransom from a person namely Mahesh Sharma, who is Munshi of the Company, after visiting Conscient Company, Sector-80, Gurugram and in case of failure do so, threatened him to stop the lifting work of soil and to kill. But they did not receive any reply from Conscient Company, Sector-80, Gurugram. Today all of them duly armed with illegal weapons, wooden sticks (Dandas) etc. are planning to visit the above said Company to teach them a lesson and to loot their highway dumpers used for lifting the soil etc. and to kidnap the Munshi. If a raid is conducted right now, then they could be nabbed along with illegal weapons and a major incident can be avoided from taking place. Regarding which, the higher officials and the aforesaid companion employees have been informed and the commuters were asked to join the raid, but all the commuters expressed their helplessness and left from there and did not join the raid and keeping in view the time, none of them was served any notice etc. Thereafter, I along with companion employees reached the place disclosed by the secret informer, where, in a big vacant field having boundary wall on its four sides, a house/office is constructed, outside of which, an iron gate is installed to the boundary wall, which is opened. While entering inside, two-three cars are lying parked. I along with companions surrounded the above said office from four sides and I heard while standing outside the office that let us teach a lesson today to the owners/Munshi of Conscient Company, Sector-80, Gurugram and if need be, all would fire one-one shot in the air. He was saying that I will sit on the front seat of the Scorpio car and will keep a pistol with me. Sagar, Samundar, you also keep one-one pistol with you. One pistol will be kept by Anuj and one revolver will be kept by Vikas and all would keep one-one long wooden bamboo sticks in their respective hands just to make them afraid. Whatever highway dumper used to lift soil from the above said company is found lifting soil, it will be looted and bring to our office and will kidnap Mahesh Sharma, Munshi of Conscient Company, Sector-80, Gurugram or the owner of the said company by putting them in the car and will bring here and said that now the name of our gang would prevail in Gurugram because here are several companies, who will pay ransom amount only after being afraid. Now I am handing over all the weapons to each of the companion. Meanwhile, I along with the companion employees pushed the main door of the house/office towards inside, then I saw that on a table placed there, a huge quantity of pistols, revolvers and live cartridges are lying and the accused are sitting on its four sides. Upon seeing the police party, they were about to suddenly run away and to jump towards the weapons, to whom, I nabbed with the help of companion employees and asked their name and address one by one, who disclosed their names and addresses as Dheeraj, Samundar Deshwal alias Rathi son of Krishan, Sagar son of Ramehar residents of Village Atwal, Police Station Matlauda, District Panipat, Manish son of Ranbir resident of Village Acched, Police Station Beri, District Jhajjar, Anuj son of Jai Kishan Tyagi resident of Village Dharampur, Police Station Rajendra Park, District Gurugram and Vikas

2025:PHHC:109959



CRM-M-39155-2025

son of Satvir resident. of Village Khanchroli, Police Station Salhawas, District Jhajjar. Thereafter, the weapons kept there were checked and found that there were lying four pistols and one revolver and five magazines and 21 live cartridges, on the base of which, KF 7.65 is written and 5 live cartridges, on the base of which, 7.612 25 SB is written and 9 other live cartridges, on the base of which, 32 SW LONG WAD CUT G.F.L. is written, lying on the table were recovered. The separate sketches of different sizes of recovered live cartridges have been prepared on separate pages and the separate sketches of recovered pistols and one revolver have also been prepared and measured the same. The length of barrel of first pistol along with slide is 19.7 CM, length of handle (Butt) is 9.5 CM, whereupon, number 'one' was assigned with the marker and put the pistol along with magazine into a plastic box and sealed the plastic box with stamp AK. Thereafter, the second pistol was measured. The length of barrel of second pistol along with slide is 14 CM, length of handle (Butt) is 8.6 CM, whereupon, number 'two' was assigned with the marker and put the pistol along with magazine into a plastic box and sealed the plastic box with stamp AK. Thereafter, the third pistol was measured. The length of barrel of third pistol along with slide is 14 CM, length of handle (Butt) is 8.6 CM, whereupon, number 'three' was assigned with the marker and put the pistol along with magazine into a plastic box and sealed the plastic box with stamp AK. Thereafter, the fourth pistol was measured. The length of barrel of fourth pistol along with slide is 14 CM, length of handle (Butt) is 8.6 CM, whereupon, number four' was assigned with the marker and put the pistol along with magazine into a plastic box and sealed the plastic box with stamp AK. Thereafter, the revolver was measured. The length of barrel of revolver is 6 CM, length of body is 9.7 CM and length of handle (Butt) is 8.0 CM. Regarding the recovered weapons and live cartridges, the above said nabbed persons were demanded license but none of them could produce any license. As per the information given by the secret informer and upon hearing the discussions by me from outside the office and recovered illegal weapons, the commission of offence under section 310(4), 310(5), 111(2b) BNS and Section 256 A. Act is found. Therefore, this writing is being sent to you by hand through Constable Harish Kumar No.2031 for registration of case. After registration, case number be informed and send the other investigation officers for further investigation of the case. I along with companion employees along with the above said nabbed accused persons is busy in investigation on the spot. Today at Village Nakhdola, District Gurugram.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 17.10.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Initially one FIR No. 525 was registered on 16.10.2024 and no specific suspect had been named in the said FIR. The petitioner did not participate in any offence as alleged in the aforesaid FIR. Learned counsel has iterated that thereafter, second FIR, i.e., the instant FIR bearing No.526 was registered on 17.10.2024 on the allegations

2025:PHHC:109959



CRM-M-39155-2025

that the petitioner and others were making preparations for abducting the complainant in the earlier FIR, which led to their arrest. Learned counsel has further iterated that there is no substantial evidence to connect the petitioner with the alleged crime. He has argued that even, the complainant has retracted from his allegations in the first FIR and the said FIR stands quashed on the basis of compromise by this Court vide order dated 19.12.2024. Learned counsel has further argued that, once the FIR No.525 already stood registered on the complaint made by Mahesh Sharma, the subsequent FIR No.526 (present FIR), in which the petitioner has been implicated as accused, has been registered against the mandate of law as laid down by Hon'ble Supreme Court in *P.P. Antony Vs. State of Haryana (2001) 6 SCC 181*. Learned counsel has further iterated that the petitioner is in custody for more than 10 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 20.08.2025, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 17.10.2024 whereinafter investigation was carried out and challan was presented on 17.12.2024. Total 15 prosecution witnesses have been cited, out of which only 03 have been examined till date. It is indubitable that the conclusion of trial will take some time. This Court does not deem it appropriate to delve deep into these rival

2025:PHHC:109959



CRM-M-39155-2025

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.

6.1. As per custody certificate dated 20.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 02 days. Further, as per the said custody certificate the petitioner is stated to be involved in multiple FIRs/cases. 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, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present 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.

2025:PHHC:109959



CRM-M-39155-2025

- (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/Illaqa 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

August 21, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No