



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

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**CRM-M No.1582 of 2025
Date of decision: 27.05.2025**

BAL BAHADUR SHARKI**.... Petitioner**

Versus

STATE OF HARYANA**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Yogender Nain, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-'BNSS') by the petitioner for grant of regular bail in case arising out of FIR No.433 dated 28.07.2024 registered under 309(4), 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') and Section 25 of Arms Act (Sections 310(2) and 123 of BNS and Section 25 (1A) of Arms Act added and Section 3(5) of BNS deleted later on), at Police Station Suraj Kund, District Faridabad.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant-Ritu Khanna alleging therein that on 25.07.2024, one girl namely, Karishma hired by her as a domestic help had come to her house. On 27.07.2024, at about 11:20 PM, the complainant noticed Karishma while talking to someone on phone. The complainant was alone at her house at that time. Karishma called two youths inside her house. One of them pointed a pistol towards the complainant after entering in her room and extended threat to kill her if she did not keep quiet. Thereafter both youths took

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out gold and diamond jewellery, cash amount of ₹75,000/- kept in the cupboard and also took debit and credit card, PAN card, Aadhar Card etc. kept in the house and thereafter they along with Karishma scaled the balcony of the house and fled after looting the valuables kept in the house. Investigation proceedings were initiated. On 29.07.2024, on the basis of a secret information, the present petitioner along with co-accused Padma @ Aarti @ Karishma, Pallab Raj Bhatia and Shankar Bhool were arrested. They were interrogated and suffered disclosure statement and in pursuance thereof, got recovered the looted jewellery. They also demarcated the place of occurrence. One country made pistol was also recovered at their instances. The accused Padma @ Aarti @ Karishma got recovered some poisonous powder from the kitchen of the house of the complainant. Investigation now stands completed and the petitioner along with co-accused are facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR, no specific role has been attributed to him. He is in custody since long. His test identification parade was not got conducted. A false recovery has been planted upon him. Trial is likely to take time. His further incarceration would not serve any useful purpose. He has clean antecedents. Co-accused Sher Bahadur has been extended benefit of bail. On parity, he too, deserves to be given the same benefit. As such, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that the petitioner had actively participated in the crime. The allegations against him are quite grave in nature. The offence under Section 310(2) of BNS is

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punishable up to life imprisonment. The petitioner hails from Nepal and there are chances of his absconding or intimidating the witnesses if extended benefit of bail. Accordingly, it is urged that he does not deserve to the extended benefit of bail.

5. Rival submissions have been heard.

6. The petitioner conjointly with the co-accused is alleged to have committed the offences of dacoity by entering into the house of the complainant, extending threats to her and then by carrying away valuables gold and diamond jewellery, cash amount, debit and credit card etc. from her house. The allegations against the petitioner are quite grave in nature. The victim is yet to be examined. The apprehension expressed by the respondent-State that he may abscond, cannot be stated to be unfounded. The case of co-accused who has been extended benefit of bail cannot be stated to be at parity with the case of the petitioner since the allegations against that co-accused were that he had supplied some arms to the dacoits. There is nothing on record to show that there would be any undue delay in conclusion of trial. In view of the above discussed facts but without expressing any merits or demerits on the rival submissions, this Court is of the opinion that no case for release of the petitioner on bail is made out. Accordingly, the petition is dismissed.

27.05.2025

Jyoti-IV

(MANISHA BATRA)**JUDGE**

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No