

Ravi @ Kaunt Vs. State of Haryana

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In the Court of Dr. Bhupender Kumar, (UID No. HR0685), Additional Sessions Judge, Rohtak.

HRRH010046452026



Bail application No.154 of 2026.

CIS BA-No.923 of 2026

Presented on : 07-05-2026

Registered on : 07-05-2026

Decided on : 13-05-2026

Rohit @ Kaunt Age: 29 Yeas S/o Shamsheer R/o Ritoli at present Ram Gopal Colony, District Rohtak.

-----Applicant-Accused.

Versus

State of Haryana.

-----Respondent.

FIR No.18 Dated 27.01.2026

Under Sections: 111(3),111(4), 3(5) BNS & 25(6)

Arms Act.(During investigation Sections 238(b), 48 BNS were added).

Police Station : Bahu Akbarpur, Rohtak.

Application for bail under Section 483 B.N.S.S.

Argued by: Mr. Surender Verma, counsel for the applicant-accused.

Sh. Gajender Mor, Public Prosecutor for the respondent-State

ORDER:

1. This regular bail application has been filed in the aforementioned F.I.R. by the applicant/accused under Sections 111(3),111(4), 3(5) BNS & 25(6)

(Dr. Bhupender Kumar)
Addl. Sessions Judge, Rohtak.
UID No.HR0685
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Arms Act. On being informed, learned Public Prosecutor for the State has appeared and filed reply of same date. As per report of Ahlmad no bail application of accused is pending or decided by the Hon'ble High Court.

Excerpts from the case:

2. The present case has been registered on the complaint of ASI Sikander No. 1250, Sonipat Special Task Force. He alleged that on 27.01.2026, he, along with ASI Yograj No. 1385/Rohtak, Head Constable Gorkha No. 47/Rohtak, Head Constable Surendra No. 3300/Faridabad, Constable Deepak No. 26/Faridabad, Constable Sombir No. 868/Nuh, and Constable Pradeep No. 1001/Sonipat (driver), was searching for a most wanted criminal on the Rohtak–Hisar Bypass in Government vehicle Scorpio No. HR-26ET-8084. During this time, an informer met ASI Sikander and informed him that Ashish alias Ashu, son of Sewa Ram, resident of Village Gaddi Khedi, District Rohtak, is a criminal with three or four previous cases registered against him. He further informed that Ashish alias Ashu is currently in contact with the Kapil alias Nandu criminal gang, and that Kapil alias Nandu had sent him a large quantity of illegal weapons a few days earlier. The informer further stated that Ashish alias Ashu was certain to commit a crime with his associates.

Believing the information to be reliable, ASI Sikander dismissed the informer and informed other police officials. Thereafter, he, along with the police party, proceeded to the bus stand of Village Gaddi Khedi. Upon arrival and inquiry, it was found that Ashish alias Ashu was present in a black Scorpio vehicle parked at the bus stand. With the help of other police

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officials, he apprehended Ashish alias Ashu from the Scorpio and began questioning him. However, he repeatedly evaded the questions, necessitating detailed interrogation at a secluded place. Accordingly, after informing his family members at his house, Ashish alias Ashu was taken along with his vehicle for thorough interrogation.

He was brought to the Special Task Force office, Sector 5, Rohtak. During sustained interrogation at the office, Ashish alias Ashu disclosed that he was in contact with the Kapil alias Nandu gang. About 10–12 days earlier, Kapil alias Nandu and Aman alias Chinta, resident of Brahmanwas, had contacted Ravi alias Chhota, son of Ranbir, resident of Village Karotha, and his friend Rohit alias Kont, resident of Ritauli, and had sent him four foreign-made pistols (made in China) along with two empty magazines through Ravi alias Chhota. He further stated that these weapons were kept in his gher (sitting room). He disclosed that the pistols belonged to Aman of Brahmanwas and gangster Kapil alias Nandu, who is presently abroad, and that the weapons had been ordered from Amritsar, Punjab, through Kapil, resident of Asanda. According to Kapil alias Nandu and Aman alias Chinta, the weapons were to be used by the gang for committing a crime.

After this disclosure, the police party, along with Ashish alias Ashu, proceeded in the Government vehicle to Village Gaddi Khedi. Upon reaching there, Ashish alias Ashu alighted from the vehicle, walked ahead of the police party, and took out four pistols and two magazines from inside a cupboard in his sitting room. He produced the same before the ASI. When

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asked to produce any permit or license for the said weapons, Ashish alias Ashu failed to produce any valid document. All four pistols bore the inscription “Made in China.” Hence, the present FIR has been registered. During investigation Sections 238(b), 48 BNS were added.

Argument advanced by learned counsel for the applicant/accused:

3. Learned counsel for the applicant/accused has submitted that the applicant has been falsely implicated in the present case and is completely innocent. Learned counsel for the applicant-accused urged that the name of the applicant-accused has not been mentioned in the FIR, rather his name has been surfaced in the disclosure statement of co-accused. Learned counsel for the applicant-accused further emphasized that the investigation against the applicant-accused has already been completed and challan has also been filed. Learned counsel for the applicant-accused further urged that the applicant-accused is in custody since 13.03.2026. Learned counsel for the applicant/accused further submitted that the trial of the case will take long time and no useful purpose would be served by keeping the accused in further custody.

Counsel further highlights that a co-accused, Ashish @ Ashu and Kapil @ Bholu were previously granted regular bail by this court vide orders dated 06.05.2026 and 12.05.2026 respectively. Hence, claimed parity.

The Court is urged to consider the totality of the facts and circumstances presented and, in light of these arguments, grant the applicant's prayer for regular bail.

Arguments advanced by learned Public Prosecutor for State.

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4. Per contra, the learned Public Prosecutor for the State has refuted the submissions advanced on behalf of the applicant/accused and has contended that the allegations against the applicant are grave and serious in nature. It is further submitted that the Investigating Officer has duly informed the complainant regarding the filing of the present bail application.

The learned Public Prosecutor has submitted that the arrest of other co-accused persons is yet to be effected. The prosecution has also contended that two mobile phones marka Apple I-Phone 13 and Apple I-Phone 17 has been recovered from the applicant/accused. It is submitted that offences of this nature are on the rise and pose a serious threat to society at large. The learned Public Prosecutor has further argued that there exists a strong likelihood that, in the event of being granted bail, the applicant may abscond and/or tamper with the prosecution evidence.

5. I have heard the learned counsel for the applicant/accused and the learned Public Prosecutor for the State.

6. **Before proceedings to analyse the facts of present case, I deem it expedient to first recapitulate the position of law on issue of Bail.**

7. A.21 of Constitution of India guarantees a right to personal liberty to every person and that there is no gainsaying that **bail is rule and jail is exception.**

8. Recently the Hon'ble Apex court in **Javed Gulam Nabi Shaikh Vs. state of Maharashtra criminal appeal no. 2787/2024 DOD 03.07.2024.** reiterated the principles laid down in **Gurubux Singh Vs State of Punjab (1980)2 SCC 565** and held that :-

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“Object of Bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether Bail should be granted or refused is whether it is probable that party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment.”

9. The aforesaid observation have been resonated time and again in several judgement such as **Mohd. Muslim @ Hussain vs State NCT of Delhi reported in 2023 INCS 311, UOI VS K.A Najeeb (2021)3 SCC 713 and Satender Kumar Antil VS CBI (2022)10 SCC 51.**

10. In this regard, this court places reliance on the landmark decision in **Sanjay Chandra vs. Central Bureau of Investigation reported as (2012) 1 SCC 40**, the Hon’ble Supreme Court of India crystallized the law in respect of regular bail in the following paragraph:-

“In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

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11. The Hon'ble Punjab and Haryana High Court in **Pardeep Singh Vs. State of Punjab CRM-M-4638-2024 DOD 24.04.2024** reiterated the principle laid down **Maninder Sharma Vs. State Tax Officer 2023(1) RCR (Criminal) 232** in which the Hon'ble High Court held that a person should not be punished for a matter upon which he has not yet been convicted or that in any circumstances he should be deprived of his personal liberty only upon the believe that he will the temper with the witnesses or evidence.

12. Furthermore, in **Sanjay Bhargav vs. State of Haryana, 2019 (1) RCR (Criminal)**, the Hon'ble High Court of Punjab and Haryana, Chandigarh has held that:

“No doubt personal liberty is precious valve of our Constitution of India. Deprivation of personal freedom must be founded on the most serious considerations relevant to the welfare objectives of society specified in the Constitution. Even the accused persons are entitled to freedom and every opportunity to look after his case and to establish his innocence. A person, who is on bail, has a better chance to prepare and present his case than the person, who remanded in custody. An accused person, who enjoys freedom, is in a much better position to look after his case and properly defend himself than if he was in custody”.

13. Furthermore, in **KalvaKuntha Kavita Vs. Directorate of Enforcement SLP Criminal No. 10785/2024 DOD 27.08.2024** reiterated the principle laid down in **Criminal Appeal No.3295 of 2024 (Arising out of SLP**

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(Criminal) No.8781 of 2024 decided on 09.08.2024, in which the Hon'ble Apex Court has held that:

“Bail – on account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency – It is high time that the trial courts and the High courts should recognize the principle that ‘bail is rule and jail is exception’. Prolonged incarceration before being pronounced guilty of an offence should not be permitted to become punishment without trial.”

14. **The Hon'ble Apex court recently in MAULVI SYED SHAD KAZMI @ MOHD. SHAD VERSUS THE STATE OF UTTAR PRADESH, Citation : 2025 LiveLaw (SC) 114 DOD 27.01.2025 held :-**

“We are conscious of the fact that grant of bail is a matter of discretion. But discretion has to be exercised judicially keeping in mind the well settled principles of grant of bail. Discretion does not mean that the judge on his own whims and fancy declines bail saying conversion is something very serious. The petitioner is going to be put to trial and ultimately if the prosecution succeeds in establishing its case, he would be punished.

Every year so many conferences, seminars, workshops etc. are held to make the trial judges understand how to exercise their discretion while considering a bail application as if the trial judges do not know the scope of Section 439 of the CrPC or Section 483 of the BNSS.

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In fact, this matter should not have reached up to the Supreme Court.

The trial court itself should have been courageous enough to exercise its discretion and release the petitioner on bail.”

15. Recently the Honourable Apex court in case titled as **THE STATE OF UTTAR PRADESH versus ANURUDH & ANR. 2026 LiveLaw (SC) 29 DOD 09.01.2026** was pleased to observe that:

“Section 439, by contrast, is limited to granting bail or anticipatory bail and requires the Court to consider only prima facie evidence, the risk of the accused absconding, tampering with evidence, or other relevant factors. Since Section 439 is narrower in scope, the Court cannot undertake a mini trial at the bail stage.”

16. Recently The Hon’ble Apex Court in **Jalaluddin Khan Vs Union of India CRI appeal no. 3173/2024 SC DOD 13.08.2024**. A bench of Justice Abhay Oka and Justice Augustine George Masih held that;

"When there is a case for grant of bail the court should not hesitate to grant bail. Allegations of the prosecution may be very serious, but the court's duty is to consider the case for bail in accordance with law. Now we have said that bail is the rule and jail is the exception is applied even to special statutes. If courts start denying bail in deserving cases, it will be a violation of rights guaranteed under Article 21. Bail is the rule and jail is an exception is a settled law. Even in a case like the present case where there are stringent conditions for the grant of bail in the relevant statutes, the same rule

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holds good with only modification that the bail can be granted if the conditions in the statute are satisfied. The rule also means that once a case is made out for the grant of bail, the Court cannot decline to grant bail".

The Court also said in the judgment:

"If the Courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Article 21 of our Constitution,"

FINDING:

17. The sole question before this court is whether the present case presents sufficient circumstances to justify granting bail to the applicant-accused. The applicant has been in custody since 13.03.2026 a period which this court has duly considered. Furthermore, the investigation in the present case has been completed. The investigating officer, present before the court, has explicitly conceded that challan has been filed in the present case. This court finds itself unable to accede to the learned Public Prosecutor's submissions regarding the potential for the accused to tamper with evidence, intimidate witnesses, or flee from justice. These concerns, while valid, can be adequately addressed through the imposition of detailed and stringent conditions, rather than outright denial of bail.

Moreover, the allegations of the prosecution are still to be decided at the touch stone of the trial. Further, the regular bail of co-accused namely Ashish @ Ashu and Kapil @ Bholu were previously granted regular bail by this court vide orders dated 06.05.2026 and 12.05.2026 respectively. Hence, the element of parity comes into picture.

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18. Upon careful consideration of the detailed submissions advanced by the learned counsel for the applicant, this court is of the considered opinion that the applicant has no prior criminal record, save for the present allegations, and their release is unlikely to pose a threat to society, particularly given the completion of the police investigation. The fundamental legal principle that the grant of bail is the rule, and its refusal the exception, lends considerable weight to the applicant's request. Therefore, no useful purpose would be served by prolonging the applicant's incarceration, especially given the anticipated length of the trial. The prosecution has not presented any other compelling circumstances that would justify denying bail to the applicant.

19. Hence, in view of the aforesaid discussion and without commenting on the merit of the case, the applicant-accused is admitted to the regular bail subject to his furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount, to the satisfaction of the learned Illaka Magistrate/Duty Magistrate, subject to complying the following conditions:-

- (i) that the applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and
- (ii) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (iii) that the applicant shall not leave India without the previous permission of the Court.

20. Accordingly, instant bail application stands allowed with the direction to submit the requisite bail bonds as ordered above.

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21. Nothing observed herein shall have any bearing on the merits of the case.

22. In terms of directions of Hon'ble Supreme Court of India passed in case of **IN RE POLICY STRATEGY FOR GRANT OF BAIL, SMWP (Criminal No. 4/2021, date of order 31.1.2023,** let a soft copy of this bail order be sent by email to the applicant/accused through Jail Superintendent forthwith. File be consigned to records after due compliance.

Pronounced in open Court.
Dated: 13.05.2026

(Dr. Bhupender Kumar),
Addl. Sessions Judge,
Rohtak (UID No.HR-0685)

Note: All the pages of this order have been checked and signed by me.

S.Jain

(Dr. Bhupender Kumar)
Addl. Sessions Judge,
Rohtak. (UID No.HR-0685)

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Argued by: Mr. Surender Verma, counsel for the applicant-accused.
Sh. Gajender Mor, Public Prosecutor for the respondent-State

Arguments heard. Vide my separate order of even date, the present bail application has been allowed. File be consigned to records after due compliance.

Pronounced in open Court.
Dated:13.05.2026
S.Jain

(Dr. Bhupender Kumar),
Addl. Sessions Judge,
Rohtak (UID No.HR-0685)

(Dr. Bhupender Kumar)
Addl. Sessions Judge, Rohtak.
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