

State of Haryana Vs ANIL KUMAR JAIN

Present: Sh. Manish Kumar, Id. APP for the State assisted by complainants
Sh. Rohit Arora, Advocate for accused Anil Kumar Jain, Ram Kishore Arora, Dharmender Kumar Arora, Anil Kumar Sharma and Pradeep Kumar are on bail, but not present.
Accused Mohit Arora in person with Sh. Rohit Arora, Advocate

Today the case was fixed for presence of co-accused Mohit Arora. At this stage, an application seeking therein exemption from appearance in the Court has been filed by accused Anil Kumar Jain, Ram Kishore Arora, Dharmender Kumar Arora, Anil Kumar Sharma and Pradeep Kumar through their counsel. Heard. Considering the contents of the application, personal appearance of accused persons are exempted for today only.

Power of attorney on behalf of accused Mohit Arora moved by Sh. Rohit Arora, Advocate. Same is taken on record. At this stage, an application for bail has been filed. Copy given. No formal reply has been filed. It was argued by the Id. Defence counsel that he is no longer required for custodial interrogation. The trial of the case will take long time and the accused would abide by the terms and conditions imposed by the court at the time of his release. He further argued that co-accused persons are already enlarged on bail. Therefore, on the ground of parity, prayer was made for admitting the accused on bail.

Per contra, Id. Assistant Public Prosecutor assisted by complainants/victims opposed the application that the accused might abscond from trial in case, if he is enlarged on bail. It is further submitted that the allegations against the accused are grave and serious in nature. From the material collected during investigation, a strong *prima facie* case is made out against the accused. It is further submitted that the role of the accused is clearly evident. If accused is released on bail, the accused may tamper with evidence or influence material witnesses. Therefore, it is prayed that bail of accused be dismissed.

Heard. Case file perused carefully. After considering the submissions of both the sides, it transpires that applicant/accused is booked under-section 420, 406, 120-B of IPC. Offence under Section 420 of IPC is punishable with imprisonment up to seven years or a fine. **In judgment titled, “Arnesh Kumar Vs. State of Bihar”, 2014(8) SCC, 273**, Hon’ble Supreme Court has held that accused need not be arrested in offences which is punishable with imprisonment for less than 7 years or 7 years with or without fine where investigation can be carried otherwise. Further said principles were reiterated in case law authority titled as **‘Satender Kumar Antil v. Central Bureau of Investigation & Anr. (2022) 10 SCC 51’**. Furthermore, it is a settled principle of law that '*Bail is the rule and Jail is an exception.*' Moreover, accused is not involved in any other offence. No custodial interrogation is required. No recovery is to be effected from accused. Therefore, no useful purpose would be served by detaining him behind bars. Keeping in view the punishment prescribed for the alleged offences, antecedents as well as aforesaid case law authorities as well as on the ground of parity, it is a fit case to grant relaxation of bail to the present accused while no useful purpose would be served by detaining him behind the bars. Therefore, keeping in view the totality of the facts and circumstances of the present case, the applicant/accused is admitted to bail subject to furnishing bail bonds in the sum of Rs. 30,000/- with one surety in like amount. Requisite bonds furnished, which are accepted and attested. Accused is hereby released on bail if, he is not required in any other case.

Intimation regarding furnishing of surety bond be given to the appropriate registering authority to make endorsement on the original document of the surety regarding the fact that he stood as surety in the case in compliance of order of Hon'ble Punjab & Haryana High Court in CWP No. 4898 of 2018 titled Hari Chand Vs. U.T. Chandigarh and Ors.

In compliance of the provision contained under-section 207 of CrPC/230 of BNSS, 2023, copy of final report and other accompanied documents have been supplied to the accused free of cost. His separate

statement to this effect has been recorded.

Now, case stand adjourned to **19.08.2026** for arguments on the point of charge. **Long date is given in order to prioritize the cases falling under action plan category and old cases and for proper maintenance of cause list.**

Date of Order: 20.03.2026
Supriya, SG-II

(Dr. Mohd. Imtiyaj Khan)
Judicial Magistrate Ist Class,
Gurugram. (UID -HR0533)