



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

CRM-M-12783-2026 (O&M)

SHIVEN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

1	The date when the judgment is reserved	12.05.2026
2	The date when the judgment is pronounced	13.05.2026
3	The date when the judgment is uploaded on the website	13.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.S. Matya, Advocate for the petitioner

Mr. Neeraj Poswal, Additional Advocate General, Haryana

Mr. Raghav Kaura, Advocate for the complainant

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.625 dated 16.09.2025 registered under Sections 115, 126, 3(5), 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") (Sections 311, 190 and 191(3) of BNS added later on and Section 3(5) of BNS deleted later on) at Police Station Sadar Gurugram, District Gurugram.



2. The aforementioned FIR was registered on the allegations that on the night of 14.02.2025, 4-5 youths followed the car of the complainant Pardeep, by riding a Swift Maruti car. They stopped his vehicle and signaled him to come outside his vehicle and extended beatings to him. They robbed the complainant of his gold neck chain, Rs.50,000/- and cellphone. They fled from the spot after hitting the victim on his head with an iron rod.

3. After registration of FIR, investigation proceedings were initiated. The CCTV footage of the place of the incident was obtained which showed the presence of the accused Monu and the present petitioner and they were active participant in the occurrence. They were joined into investigation on 24.09.2025. They were interrogated and suffered disclosure statements admitting their involvement in the crime. The petitioner got recovered a Baleno vehicle was used in the commission of the subject crime. The name of one of their accomplices was also disclosed as Lokender @ Lucky. The petitioner also demarcated the place of occurrence and got recovered a sum of Rs.5,000/- out of the looted amount. Subsequently co-accused Gautam, Sandeep and Janesh were also nominated as additional accused. The test identification parade of the petitioner and co-accused was conducted and they were identified by the complainant. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. A compromise has been arrived at between the



complainant and the petitioner and the complainant has agreed to withdraw the proceedings against the petitioner and to get the FIR quashed. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail and the petition is liable to be dismissed.

6. Power of attorney on behalf of learned counsel for the complainant has been filed which is taken on record. However, he has submitted that affidavit Annexure P5 has been sworn by the complainant and he has entered into a compromise with the petitioner and the co-accused out of his free-will and consent and has submitted that the complainant has no objection if the instant petition is allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner alongwith the co-accused is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common objection thereof, is alleged to have intercepted the complainant on the fateful day, assaulted him and robbed him of his belongings. The petitioner was not only shown in the CCTV footage of the camera installed near the place of occurrence but also during the test identification parade conducted, he was identified by the victim. The allegations against him are serious in nature. The



question of genuineness of the affidavit which is allegedly sworn by the complainant has to be tested during trial. Though the allegations as levelled against the petition make out a *prima facie* case for commission of subject offences against him, however he has remained in custody since 24.09.2025. The trial will obviously take considerable time to conclude as 22 prosecution witnesses are yet to be examined. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the period of incarceration of the petitioner and the above facts but without meaning to make any comment on the merit of the case, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions :-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.



(iii) The petitioner shall appear before each and every date of hearing.

(iv) The petitioner shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

(v) The petitioner shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

(vi) The petitioner shall deposit his passport, if any, with the learned trial Court.

9. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

13.05.2026
Amit Sharma

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