

CRM-M-8277-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8277-2025
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Sonu @ Alihasan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pooja Jaglan, Advocate
for the petitioner.

Mr. Sukhwinder Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
282	07.09.2024	Sector 13/17 Panipat, Distt. Panipat	308(5) BNS (Section 3(5) of BNS added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per custody certificate dated 28.04.2025, petitioner is involved in one more case and details of the same are as follows:-

Sr. no.	FIR No.	Dated	Police Station	Sections
1	532	2024	Lahori Gate North Delhi	308(4) & 3(5) of BNS 2023

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2(i) That that the present case was registered on the complaint of complainant Nadeem S/o Abbas Qureshi, who alleged that he is resident of Sant Nagar, Main Street, Near Singla Grocery Store, Ward No. 26, Panipat. He is doing the business of old clothes, which he imports from abroad and sell here to businessman of Panipat. On 05.09.2024 at around 7:00P.M., he His family members informed him by making a phone call that a man went to the house, rang the bell and gave a letter to the child

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and stated to give this letter to Nadeem, which the family members opened and saw and sent its whatsapp message to him on his mobile no.70151 91789. In which a ransom of Rs.1 crore was demanded and it was written in the letter that if Rs.1 crore is not given by Sunay then he and his brother will be killed. The picture of the accused has been captured in the cameras of his neighbours in his street. He informed about this by dialling 112 and he is very scared. When he told all this to the businessmen in his market, they consoled him and asked him to approach the police. Legal action may kindly be taken against them.

He also presented the ransom letter and registration certificate etc of his firm along-with the complaint. True Copy of ransom letter is annexed herewith as Annexure R-1.

On the basis of above said facts and allegations, a formal FIR No. 282 dated 07.09.2024 under Sections 308(5) of BNS, was registered at P.S. Sector-13-17, Panipat, District Panipat. The FIR is already enclosed by the petitioner with his petition as Annexure R-1 for the kind perusal of this Hon'ble Court.

(ii) That after registration of FIR, the investigation of the case was initiated by ASI Parveen, 81, PPT. During investigation, place of occurrence was inspected, its rough site plan was prepared and statements of witnesses were recorded.

(iii) That on 15.09.2024, CCTV footage of the cameras installed at the house of Rajender S/o Sajjan Singh from the neighbourhood of the complainant was obtained and taken into police possession as evidence. The certificate under Section 63 BSA has also been obtained. The perusal of which revealed that two man with muffled faces and wearing black cap were seen going towards the house of the complainant. True Relevant CCTV footage is annexed herewith as Annexure R-2.

iv) That on dated 20.9.2024, the investigation of the case was carried out by ASI Sunil Kumar, CIA-II, Panipat and the CCTV footage was shown to the complainant. After seeing the CCTV footage, complainant got recorded his statement to the effect that the person wearing black colored jeans and white color T-Shirt is Sonu @ Ali Hasan S/o Babuali R/o Budana, District Muzafarnagar, U.P who used to come to him to purchase jeans on low prices and he had altercation with him on the issue of remaining amount of money due towards him. He further disclosed that another person with him is Aman R/o Khatoli. True Copy of

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supplementary statement of the complainant is annexed herewith as Annexure R-3.

(v) That on 21.09.2024, accused Sonu @ Alihasan (Petitioner) was arrested in the case in due course of law on finding incriminating evidences against him. During investigation, he confessed to his role in crime and got recorded his disclosure statement recorded. True copy of disclosure statement of the accused Sonu @ Alihasan is annexed herewith as Annexure R-4.”

4. Petitioner seeks bail on parity with co-accused Aman @ Aman Qureshi who was granted bail by this Court vide order dated 27.03.2025 passed in CRM-M-15755-2025. On instructions, counsel further submits that petitioner shall not repeat the offence and would not involve himself in the offence where sentence prescribed is more than seven years and if he does so, he has no objection if State files application for cancellation of bail. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and submits that it is neither a case of parity nor on merits.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role of the petitioner is that his name surfaced in the case from the supplementary statement of the complainant, Annexure R-2 which he gave after persuing CCTV footage obtained from the cameras installed in the neighbourhood of the complainant. It is found during the investigation of the case that the petitioner used to buy jeans from the complainant at lower prices so as to sell to his customers. However, disputes arose between them because of remaining payment of dues towards him and the complainant stopped supplying jeans to him. On this, he started keeping enmity towards Complainant and he also started suffering financial constraints. On this, he along with his friend Aman Qureshi planned to extort huge amount from the complainant. As per their conspiracy, co-accused Aman Qureshi wrote ransom letter, then they both went to the house of the complainant with muffled faces and gave the ransom letter at the house of the complainant. The petitioner has confessed to his role in crime in his disclosure statement, Annexure R-4.”

REASONING:

7. Complainant compromised the matter with the main accused, who was granted

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benefit of bail after custody of 05 months &13 days and petitioner’s custody is 07 months & 07 days as per custody certificate dated 28.04.2025, as such, he is entitled to bail on parity. Although there is sufficient prima facie evidence which shows that petitioner had handed over a letter to the family member of perspective hostage. However this Court cannot loose site of fact that the person who would go to deliver the letter, very well aware of their being. Thus, coupled with the fact that petitioner is in custody for seven months and he has no criminal history, petitioner is entitled to bail.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 15 of the bail petition, the petitioner has been in custody since 21.09.2024 and accordingly his custody in this case is approximately 08 months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.