



CRM-M-43933-2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 43933 of 2024
Reserved on: 16.10.2024
Pronounced on: 29.10.2024

Prem Dass Verma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suresh Kumar, Advocate with
Mr. Ramesh Sharma, Advocate
for the petitioner(s).

Mr. Vishal Kashyap, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
526	01.12.2023	Chandimandir, Panchkula	346 IPC, later on added sections 365, 420, 467, 468, 471, 474, 201, 120-B IPC, section 66-D of Information Technology Act, Sections 34 to 41 of Adhar Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the brief facts of the present case are that a complaint was given by the complainant who is resident of Uttar Pradesh, presently residing at Sector- 26. Panchkula and working as a labourer. He had contended that minor daughter of the complainant namely "B" name withheld was kidnapped by one Kaxxx (a neighborhood girl). Upon which an FIR No. 526 dated 01.12.2023 u/s 346 IPC was registered at PS Chandimandir. Thereafter, Kajal along with the daughter of the complainant came to Panchkula and took her to PS Sector-25, Panchkula. However, Kaxxx also



reached their along with her parents. The Police took them to Panchkula court and their statements were recorded and thereafter the daughter of the complainant was handed over to her and Kaxxx also left with her parents. Subsequently, since there was an apprehension from Kaxxx, the complainant took his entire family and went to his native place. However, after few days, the complainant received a telephonic call from PS Sector-25, Panchkula and he was asked to come present with his daughter "B" before this Hon'ble Court. The complainant appeared before this Hon'ble Court along with his daughter and at that time, the complainant came to know that Kaxxx had made certain changes in the Aadhar card of his daughter "B". Kaxxx had changed the year of birth of "B" from 2007 to 2004 and for that purpose, fake birth certificate of "B" was also procured by Kaxxx from PHC Fatehpur, Chaurasi, which was used for changing the date of birth in Aadhar card of "B". In this manner, the Aadhar card was updated in a wrong manner and the daughter of the complainant was shown as a major before the Police and before this Hon'ble Court. The complainant took back his daughter to native village at UP as per the orders of the Hon'ble High Court. Therefore, Kaxxx and her associates came in a white car to the village of the complainant in UP and took his daughter away. This incident was witnessed by the neighbors of the complainant. The complainant put allegations against Kaxxx, her parents and one Sunil Kumar for committing kidnaping, preparing forged document i.e. birth certificate and Aadhar card and further misleading the police and the court on the basis of forged documents. Upon these allegations, present FIR was registered u/s 365, 467, 468, 471 and 474 of IPC."

4. 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 refers to the reply.

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

"9. That it is respectfully submitted that the role of the petitioner is that he has deliberately in-conivance with the other accused persons has prepared the fake birth certificate of the minor victim girl "B" on the instructions of co-accused Kajal in exchange of Rs. 2000/- by changing the Place of birth to Fatehpur Chaurasi, U.P and date of birth from 15.06.2007 to 15.06.2004 in the month of December 2023 with the help of said fake link provided to him by co-accused Krishan Kumar. Further, he has changed the date of birth in aadhar card of the minor girl



on the basis of said fake birth certificate prepared by him.”

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 9 of the bail petition, the petitioner has been in custody since 21.03.2024. Per the custody certificate (Annexure R3) of the reply, the petitioner’s total custody in this FIR is 06 months and 03 days. 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 further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

11. 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.

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



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13. 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.

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

(ANOOP CHITKARA)
JUDGE

29.10.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.