

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-52855-2024
Date of decision: 23rd October, 2024

Pawan

Versus

State of Haryana

...Petitioner

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Neeru Bansal, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
259	18.08.2024	Sadar Sonipat, District Sonipat	115(2), 140(3), 127(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’)

2. As per the prosecution case, on 18.08.2024, an information was received at the concerned police station through police control room regarding abduction of some person. The police party reached at the informed place. The complainant Vikram Singh filed a written complaint to



the effect that he used to drive a truck bearing registration No. PB-11-CL-5931. On 17.08.2024, he had reached Faridabad from Orrisa and after unloading the stock loaded in the truck, had parked his vehicle near Transport Nagar, Faridabad. On the same night, while he was sleeping in the truck along with his helper, the accused Aashu who was already known to him climbed over the truck by opening its window. Six- seven more youths also entered inside the truck. Accused Aashu took the keys of truck from him and then while covering him with a cloth, they took over the truck and started driving the same. One Eeco van occupied by 3-4 persons was also chasing the truck. The truck was stopped at Sonipat. The complainant was taken to some house and was confined. In the meanwhile, the wife of the complainant had made a telephonic call and as she suspected some foul play, she had informed the police and the police had reached at the spot. After registration of FIR, investigation proceedings were initiated. During investigation, accused Aashu was arrested. He suffered disclosure statement on the basis of which the co-accused Paramjit and Krishan were also arrested. Accused Paramjit suffered disclosure statement to the effect that the Eeco vehicle was driven by the petitioner and on the basis of same, the petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail, which was dismissed by Additional Sessions Judge, Sonipat vide order dated 04.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The registration number of the Eeco vehicle has also not been disclosed. The co-



accused Paramjit, Aashu and Krishan Kumar have since been extended benefit of bail. On parity, the petitioner too deserves to be extended benefit of bail. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that the Eeco van used in abduction of the complainant is to be recovered from the present petitioner. His argument that he was a taxi driver and had no role to play in the commission of the subject offences cannot be accepted, as call detail record of the mobile phone of the petitioner had been collected by the investigating agency and the location of his mobile phone is shown to be around the same area, which was the location of the victim. Custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by the police. The Eeco vehicle is also to be recovered from him. His case cannot be stated at parity with the case of co-accused since they have been extended benefit of regular bail and not anticipatory bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in conspiracy with the co-accused is alleged to have abducted the victim, to have wrongfully confined by him and is also alleged to have voluntarily caused injuries to him. Merely because of the fact



that the petitioner was not named in the FIR, his complicity in the offences cannot be ruled out. He is alleged to have remained with the co-accused while the victim was abducted and took him to a house in his Eeco van which is yet to be recovered. For conducting thorough investigation of the matter by the police and for recovery of Eeco van, custodial interrogation of petitioner is must. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Keeping in view the nature of the allegations as levelled against the petitioner and as per the discussion made above, but without meaning to make any comment on the merits of the case, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |