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**Date of decision : 04.12.2024**  
**CRM-M-53232-2024 (O&M)**

**ANKUR** ..... **PETITIONER**

## VERSUS

STATE OF HARYANA ..... RESPONDENT

**CRM-M-50472-2024 (O&M)**

**PARVEEN KUMAR** ..... **PETITIONER**

## VERSUS

STATE OF HARYANA ..... RESPONDENT

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

Present: Mr. Pradeep Chhoker, Advocate  
for the petitioner in CRM-M-53232-2024.

Mr. Saurabh Sharma, Advocate for  
Mr. Suresh Kumar Jindal, Advocate  
for the petitioner in CRM-M-50472-2024.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

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**PANKAJ JAIN, J. (ORAL)**

1. This order shall dispose off above mentioned two petitions.
2. CRM-M-53232-2024 has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.273 dated 21.05.2022 registered under Section 365 IPC (Sections 201/34/341/364-A/365/506 IPC & Section 25 Arms Act, 1959 added later on) at Police Station Quilla, District Panipat.
3. CRM-M-50472-2024 has been filed under Section 483 BNSS 2023 for



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grant of regular bail in case F.I.R. No.273 dated 21.05.2022 registered under Sections 365/506/34/364-A/341/201 IPC & Section 25 Arms Act, 1959 at Police Station Quilla, District Panipat.

4. At the outset, counsel for the petitioner submits that inadvertently, the present petition bearing CRM-M-53232-2024 has been filed under Section 439 Cr.P.C and on his oral request, the same be treated one under Section 483 BNSS.

5. Allowed as prayed for. Present petition bearing CRM-M-53232-2024 is treated as petition filed under Section 483 of the BNSS.

6. As per the contents of the FIR, it has been alleged as under :-

*"It is respectfully submitted that I, Ashish Saini, son of Sh. Rattan Lal Saini, am a resident of Ward No. 11, Saini Colony, Panipat. I sell mobile products online. We are two brothers; I am the elder, and my younger brother, Neeraj, is about 27 years old. He runs a grocery shop on Babail Road, Durga Colony. Today, on May 21, 2022, I and my brother Neeraj were on our way to his house on his motorcycle (No. HR 06 AT 9803, Make: KTM). After a considerable time, when my brother did not reach home and was not answering my calls, I called home. My sister, Shikha, informed me that 4-5 boys in a Bolero car had arrived earlier and were asking about Neeraj. After closing my shop, I went to Babail Road in search of my brother. I found our motorcycle parked on the road outside Saini Auto Center. Upon inquiring with shopkeepers, I learned that at about 2:15 PM, a Bolero car with 4-5 boys arrived from the direction of Chotu Ram Chowk, Panipat. These boys forcibly pulled my brother into the car and kidnapped him."*

7. As per the case of the prosecution both the petitioners were arrested.

While inquiry in police custody they confessed their role in crime. On

25.05.2022, mobile was got recovered from Parveen Kumar. It was the same



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mobile which was used to call the family members of the victim for ransom money. Victim was also recovered on the disclosure made by the petitioners. Both the petitioners are behind bars for more than 2 years and 6 months. Trial has proceeded considerably as the material witnesses already stand examined.

8. Learned counsel for the petitioners relies upon order dated 17.09.2024 passed in **CRM-M No.37890 of 2024** whereby co-accused namely Ankur has been granted concession of regular bail and claims parity. Co-accused has been granted bail observing as under :-

*“ 6. Counsel for the petitioner submits that the petitioner is behind bars for more than 2 years, 3 months and 20 days. Not only the investigation stands concluded rather the trial has proceeded considerably as the material witnesses i.e. the victim as well as the complainant both already stand examined.*

*7. State Counsel however submits that both of them have supported the prosecution but does not dispute that so far as the petitioner is concerned, he has clean antecedents.*

*8. I have heard counsel for the parties and have gone through records of the case.*

*9. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that custody of the petitioner cannot be prolonged as a punitive measure, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.*

*10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”*

9. Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.



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incarceration suffered by the petitioners this Court finds that the custody of the petitioners cannot be allowed to be prolonged as a punitive measure, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

12. Photocopy of this order be placed on the connected file.

**( PANKAJ JAIN )  
JUDGE**

**04.12.2024**  
*renubala*

Whether speaking/reasoned: Yes  
Whether Reportable : No