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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1)

CRM-M-1628-2025
Reserved on: 01.04.2025
Pronounced on:29.04.2025

HARJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

2)

CRM-M-281-2025

RAKESH KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE ANOOP CHITKARA

Present:Mr. Manoj Pundir, Advocate
for the petitioner in CRM-M-1628-2025.

Mr. Namit Khurana, Advocate
for the petitioner in CRM-M-281-2025.

Mr. Naveen K. Sheoran, DAG, Haryana.

CORAM: HON’BLE MR. JUSTICE ANOOP CHITKARA

FIR No.	Dated	Police Station	Sections
134	11.07.2024	Thanesar City, District Kurukshetra, Haryana	308(2), 351(2) of BNS (Sections 111(2)(b), 111(3), 111(4), 111(6), 111(7) of BNS added later on

1. By this common judgment, petitions bearing CRM-M-1628-2025 and CRM-M-281-2025 are being decided together as the same are arise out of a common FIR. For brevity facts are taken from CRM-M-1628-2025.
2. The petitioner(s) 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.
3. In both the petitions and reply/custody certificate, the accused-petitioner(s) have no criminal antecedents.
4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“(i) That the applicant is a permanent resident of House no.1746,
Sector-3, Urban Estate Kurukshetra and is a peace loving citizen.



(ii) *That the applicant works in sending children abroad for higher education and the applicant's firm is in the name of Versatile Immigration Service Pvt. Ltd. which is in Divine City Centre, Kurukshetra and the applicant also keeps on going to England for work.*

(iii) *That today on 09.07.2024 at about 02:33 PM I received a Whats App call on my mobile number 88139-93881 from mobile number 1(559) 216-8033 and he said that he was calling from Bhanu Rana (Lawrence Bishnoi Group) and asked me not to disconnect the call as he would only talk about things that would be beneficial for me and said that Vaibhav Sharma we have come to know that your business is going very well, give us 50 lakh rupees within two days or else we will kill you and then said that you have only two days time, if you don't give the money, after that our time will start and he also said that I know that you also have an Innova car. If you do not give the money, no one will be able to save you, even if you go to England, we will not leave you there either, you will have to pay the money, if you do not pay the money, we will kill you and whoever will handle your business after you, we will take the money from him. I have the recording of the above call, the pen drive of which is enclosed. Hence, I request you that keeping in mind the above facts, strict legal action may be taken against the above accused persons and the life and property of the applicant may be protected, I would be highly grateful to you."*

5. Counsel for the petitioner(s) submit that the petitioner(s) have no role to play in the alleged incident and they have been falsely implicated in the present cases. They further pray for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, they repeat the offence or commit any offence where the sentence prescribed is more than 03 years, they would have no objection, if State files an application for cancellation of their bail. They further contend that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refers following portion of replies:

"Para No.8 of CRM-M-1628-2025

That the allegations against the petitioner/accused are that he was regularly in touch with one of the main accused i.e Bhanu Rana through whatsapp call and the petitioner/accused used to manage collection of ransom money and rather even the iphone recovered from the petitioner/accused is from the proceeds of the crime. In these circumstances, it is clear that at this stage, from the relevant investigation, the role of petitioner/accused is specifically emerged in the entire occurrence and accordingly, he has been involved in

present FIR on the basis of detailed investigation of the local police and in the FIR has been registered under serious offence including the organized crime. However, there is no other case or P.O. proceeding pending against the petitioner.

Para No.8 of CRM-M-281-2025

That the allegations against the petitioner/accused are that he had demanded and received an amount of Rs.5 Lakh as ransom amount and while he was arrested in the present case on identification of complainant then he has admitted his crime and also got recovered the amount of Rs.5 lakh but inspite of that he has filed the present petition before this Hon'ble Court on false grounds and same is liable to be dismissed."

REASONING:

8. Role attributed to petitioner-Rakesh Kumar is that he received ransom amount of Rs. 5 lakh which has been recovered, similarly iphone purchased by accused Harjeet Singh from the proceeds of crime has already been recovered. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. The petitioner(s) been in custody since 21.07.2024 and 13.07.2024. Per the custody certificates dated 11.03.2025, the petitioners’ total custody in these FIRs are 07 months and 16 days and 07 months and 25 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie 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.
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(s) are not required in any other case, the petitioners 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 petitioners’ complying with the following terms.



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13. The petitioner(s) 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.

14. ***This bail is conditional, and the foundational condition is that if the petitioners 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(s) 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. **Petitions are allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

29.04.2025
renubala

(ANOOP CHITKARA)
JUDGE

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