

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2422-2025
Reserved on: 14.02.2025
Pronounced on: 28.02.2025

Parveen ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harjinder Singh, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
214	30.10.2024	Sadar Bahadurgarh, District Jhajjar	115(2)/351(3)/140(2)/3(5)/61 and 238 of BNS, 2023

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. In paragraph 10 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:

“1. That the factual matrix given rise to the registration of FIR No. 214 dated 30.10.2024 registered at Police Station Sadar Bahadurgarh are that investigation officer received a telephonic call from MHC Police Station Sadar Bahadurgarh that Sonu S/o Ram Niwas resident of village Shahpur Admitted in RJ Hospital with injures. Upon this information, investigating officer along with other officials went to the RJ hospital and got the MLR No. 736 dt. 30.10.2024 of the injured Sonu and all injures are KUO Blunt and investigating officer moved an application to the doctor, Whether injured Sonu is fit or unfit for giving statement than doctor gave in writing that patient Sonu is fit for giving statement. Thereafter Sonu S/o Ram Niwas, Resident of village Shahpur, moved an application to the SHO Sadar Bahadurgarh and stated that I am resident of above said address and I am a student. I was present at

Bahadurgarh on dated 29.10.2024 than I have received a telephonic call from Yogesh alias Sachin S/o Subhash of my village, who asked me to meet. I reached my house at about 9:30 PM, then Yogesh alias Sachin asked me to meet him in the park of the village. When I reached near the park where Yogesh alias Sachin was already standing there. I and Yogesh alias Sachin were taking, then from the behind side Dheeraj S/o Rajeram, Praveen S/o Azad resident of village Shahpur came there in Alto car. Then Yogesh alias Sachin, Dheeraj and Praveen all together started beating me with kicks and punches and they forcibly put me in Alto car and stopped the car in lonely place just ahead of SDM school in Deshalpur village. Then all accused persons made me got down and started beating me by breaking sticks from trees. After that they again forcibly put me in the car and when and went to towards the village Bupania. Praveen called Vicky S/o Ramniwas and Mohit of Bupania village on his mobile. Then Vicky and Mohit saved me from them. All three boys threatened me that this time you saved, but when ever we will get chance, we will kill you. After that they dropped me at my house at Shahpur. Please strict action may kindly be taken against them. Upon this application FIR No. 214 dated 30.10.2024 Under Section 140(3), 115, 315(3), 3(5) BNS registered at Police Station Sadar Bahadurgarh, Distt. Jhajjar.”

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:

“4. That petitioner is the main accused in this case. Petitioner Parveen was arrested on dated 05.12.2024 and he suffered his disclosure statement and admitted his involvement in the above said crime and in pursuance of his disclosure statement Alto car bearing registration No. HR10T-7186 was recovered, which was used in the above said crime to kidnap the complainant. Same was taken in possession by recovery memo. Copy of disclosure statement as Annexure-B. He further demarcate the place of occurrence and also place where petitioner and other co-accused kidnapped the complainant, however petitioner also admitted in his disclosure statement that he and other co-accused namely Dheeraj, Yogesh @ Sachin, inflicted injuries with sticks, kicks and fist blows to the complainant, but he did not cooperate in investigation regarding recovery of stick.”

REASONING:

7. 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 4 of the bail petition, the petitioner has been in custody since 05.12.2024. Per the custody certificate dated 12.02.2025, the petitioner's total custody in this FIR is 02 months and 06 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 for 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. This order is subject to the petitioner's complying with the following terms.

12. 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.

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

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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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

28.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.