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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2880-2025(O&M))

Date of Decision: 30.01.2025

Vikas

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parveen Kaushik, Advocate, for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.0463 dated 02.12.2024, under Sections 115, 3(5), 351(3), 62, 74, 78, 79, 87 of BNS, registered at Police Station Kalanaur, District Rohtak.

2. Reply has been filed by the learned State counsel in the Court today which is taken on record. Copy has been supplied to the learned counsel for the petitioner.

3. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the allegations in the FIR were that an attempt was made by one of the co-accused namely, Mohit to take the complainant in the car and the allegations of abusing and molestation were also there. He submitted that the role of the petitioner, even as per the prosecution was that

he was the driver of the car and he has been nominated on the basis of the



disclosure statement of the aforesaid co-accused namely, Mohit. He further submitted that the petitioner has nothing to do with the aforesaid incident and has been falsely implicated in the present case and he has specific instructions to state before this Court on the basis of the instructions from the petitioner that he will not only join the investigation but he will also fully cooperate with the investigation process.

4. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana while referring to the affidavit submitted that so far as the role of the petitioner is concerned, although there was no allegation against the petitioner pertaining to molestation or abusing the complainant or any attempt to kidnap but he was aiding the other co-accused namely, Mohit because he was driving the car. He also submitted that the petitioner is involved in three more cases. He also submitted that it is correct that the name of the petitioner was nominated on the basis of the disclosure statement of the aforesaid co-accused namely, Mohit.

5. Mr. Chanderhas Yadav, Advocate has appeared on behalf of the complainant and has submitted that there was a CCTV footage of the aforesaid area where the attempt to kidnap had taken place, although the petitioner is not seen in the aforesaid CCTV footage but the aforesaid co-accused Mohit is seen but so far as the petitioner is concerned, he was driving the car and he aided the aforesaid co-accused namely, Mohit. He also submitted that since the glasses of the car were blackened, nobody could have been identified inside the car.

6. I have heard the learned counsels for the parties.

7. It is a case where the allegations in the FIR were that the complainant had alleged that she was abused and molested by one of the



co-accused namely, Mohit and he tried to abduct her. Learned counsel for the parties have stated that the age of the complainant was 18 years at the time of occurrence and she was major. So far as the role of the petitioner is concerned, as per the learned counsels for the parties, he was driving the car and had aided in the offence. The name of the petitioner was nominated on the basis of the disclosure statement of the aforesaid co-accused namely, Mohit. Even as per the learned counsel for the complainant, the reason as to why the petitioner has not been identified in the CCTV footage may be because of the blackening of the glasses of the car.

8. In view of the aforesaid facts and circumstances and considering the alleged role of the petitioner, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

9. Consequently, the present petition is allowed. It is directed that in case in future the petitioner is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 482(2) of the BNSS, 2023.

30.01.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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