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on his scooty bearing registration No. HR01AU-8007. On the way, the complainant lost balance while saving his scooty from a vehicle and his scooty got struck with an Innova car due to which he fell down along with his scooty. It was further alleged that when the complainant parked his scooty alongside the road, the driver of above-mentioned Innova car while raising a quarrel with him, snatched the key of his scooty and demanded 20,000/-. When the complainant could not meet the demand of 220,000/- the driver of the Innova car called his accomplices, who came on the spot in 2/3 Scorpios, out of which one vehicle was bearing registration No. UP-14DX-9544. It was further alleged that the complainant had also called Virender Singh on the spot. It was further alleged that the above-said persons had raised quarrel with the complainant and after snatching his mobile phone and threatening him with death, they forcibly got transferred Rs. 14,000/-UPI his from ID 7465871490@P+SBI. It was further alleged that on arrival of Virender Singh and his friend on the spot, the above-mentioned persons thrashed them and caused multiple injuries. Legal action was sought and on the basis of the said averments, present FIR was registered and the investigations were taken up in the matter. The true typed copy of the MLC and the true typed copy of ENT Doctor's opinion regarding the nature of injuries is being appended to along with the present affidavit as Annexure R-1 and R-2 respectively.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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 status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“5. That during the course of investigation, complainant was joined in the investigation and he produced his bank account statement from which the accused persons had forcibly transferred Rs.14,000/-money and the same was taken into police possession. Statement of injured Virender Singh and his brother Ankur were recorded under Section According to 180 BNSS. the inputs provided, offence punishable under Section 309(3) BNS was added to the case.

6. That during the course of investigation, on 13.01.2025, when the police party had reached the office premises of the petitioner and was questioning the employees of the petitioner, then the accused Sahil, son of Sunil Thakran, who is a friend of the petitioner, came on the spot and started arguing with the police party and obstructed them in performing their official duty and accordingly, he was booked for commission of offence punishable under Section 221, BNS. He was joined in the investigation and was put to questions, however, his arrest was not deemed necessary in wake of the principles of law



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laid down by the Hon'ble Supreme Court of India in case titled "Arnesh Kumar V. State of Bihar"

7. *That during course the of further investigation, on 14.01.2025 the driver of the Innova vehicle bearing registration no. HR 47G 1855, namely Rajhans, was joined in the investigation of the case. He was arrested upon receipt of appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation, he admitted his involvement in the commission of the present crime and also that of the petitioner. In pursuance of his disclosure statement, the said Rajhans got recovered the Innova vehicle and correctly demarcated the place of occurrence. It had transpired that an amount of Rs. 14,000/- had been transferred to the UPI id of Rajhans from the UPI id of Anuj tour and travels and the statement of the same had been obtained. The copy of the screenshots establishing the transfers are being appended to along with the present affidavit as Annexure R-3."*

7. I have heard counsel for the parties and have gone through the record.

8. Counsel for the complainant submits that he has no objection in case bail is granted to the petitioner.

9. State counsel opposes such no objection.

10. It shall be appropriate to refer to the evidence against the petitioner which reads as follows:

“9. **Evidence against the petitioner:**

That as per the investigation and evidence collected during the course of the same, the petitioner happens to be the registered owner of the Innova vehicle, which was driven by the accused Rajhans. As per investigation, the petitioner had herein actively participated in the commission of present crime. He along with the other accused had assaulted Virender Singh and his brother Ankur. The said facts have been duly established in the disclosure statement suffered by the co-accused Rajhans. The true translated disclosure statement of co-accused Rajhans is being appended to as Annexure R-4.

10. **Role of the petitioner:**

That in so far, the role of the petitioner in the commission of the present crime is concerned, he had played an active role in the commission of the crime complained off. He had actively participated in an assault on the person of the injured victims. The vehicle used by the petitioner is to be recovered from the petitioner."

11. Given the quality of evidence more particularly the fact that petitioner has compromised the matter with the complainant, there would be no justification for pre-trial incarceration or custodial interrogation.



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12. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

13. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, factum of compromise and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

14. 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.

15. 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

16. 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)	

17. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.



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18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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

21. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

22. 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.

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.