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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8570-2025
Decided on: 06.03.2025

Yogesh @ Sachin ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Gulati, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

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

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report 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 Bahadurgrah 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 dated 30.10.2024 of the injured Sonu and as per MLR found all the injuries 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 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 talking, then from 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 they taken me and after some time they 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 went towards the village Bupania. Parveen called Vicky S/o Ramniwas and Mohit of Bupania village on his mobile. Then Vicky and Mohit came there and after seeing my condition Vicky and Mohit Saved me from them. All three boys threatened me that this time you are saved but whenever we will get chance, we will kill you. After that they dropped me at my home at village Shahpur. Please strict action be taken against them. Upon this application FIR No.214 dated 30.10.2024 Under Section 140(3), 115, 351(3), 3(5) BNS registered at Police Station Sadar Bahadurgarh Distt. Jhajjar.”

4. The petitioner’s counsel submits that the co-accused, namely, Dheeraj has already been granted bail by this Court, vide order dated 13.12.2024 passed in CRM-M-56608-2024 (Annexure P-3). Therefore, he prays for bail on the ground of parity with said co-accused.
5. 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 his family.
6. The State’s counsel opposes bail and refers to the status report.
7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“10. That petitioner and main accused Parveen and Dheeraj kidnapped the complainant and beaten him mercilessly with sticks, kicks and fist blows and they also extended threats to kill him. Petitioner called the complainant from his mobile phone and there after they kidnapped him. Petitioner inflicted injuries to the complainant with Stick. So custodial interrogation of the petitioner is necessary for proper investigation and to recover his mobile phone and Stick.”



REASONING:

8. Since, the co-accused has already been granted bail by this Court in CRM-M-56608-2024 Dheeraj v. State of Haryana, decided on 13.12.2024, as such, the petitioner is entitled to bail on parity.
9. 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.
10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role attributed to petitioner and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.
11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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 Ilqa 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.
13. 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) | |
14. This order is subject to the petitioner's complying with the following terms.
15. 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.

16. 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.

17. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

18. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

19. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that

“The bail conditions imposed by the Court must not only have a nexus to the purpose that



they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

20. 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.

21. 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 be at liberty to cancel this bail.

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

23. 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.

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

06.03.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.