

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRM-M-8964-2025
Decided on : 16.07.2025

GAURAV

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. S.S. Mor, Advocate,
for the petitioner.

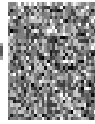
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gaurav, aged about 22 years	622	16.09.2024	140(2), 140(3), 3(5), 351(2) of BNS	Chandni Bagh	Panipat

2. Reiterating the submissions that had already been recorded on previous dates of hearing, learned counsel for the petitioner submits that, as per the bank account statement belonging to Dinesh, who is stated to be the cousin brother of the petitioner, an amount of Rs. 5 lakhs had been transferred on 20.10.2023 (prior to the incident) to the account of



the alleged victim, Vishal. This transaction is stated to have taken place on account of a business deal between Vishal and petitioner's family members.

3. Taking note of the factum of arrest of the other co-accused and to enable the prosecution to record its evidence, on 13.05.2025, following order was passed by this Court:-

"1. Learned State counsel has filed short reply by way of affidavit of Ganga Ram Punia, Superintendent of Police, Karnal, dated 12.05.2025, in the Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

2. Learned State counsel informs the Court that there are total seven accused in the present case. Out of them, three individuals, namely, Gaurav, son of Kaptan Singh (petitioner herein), Mohit son of Ranbir, and Kapil son of Joginder, were arrested on 17.09.2024. Another accused, namely, Rahul Antil, was arrested on 10.05.2025. However, the prosecution agency is, at this stage, not definite about the involvement or specific role of the remaining accused, Anu (a woman), Rahul @ Maruti, and Vishnu, who are yet to be apprehended.

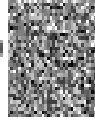
3. Upon a query from the Court, learned State counsel apprises that none of the seven accused have any prior cases registered against them involving allegations of kidnapping. The case is currently fixed for recording the evidence of prosecution witnesses on 06.06.2025.

4. List again on 02.07.2025.

5. To be shown in the urgent list.

However, it is directed that, statements of the complainant and the victim, who are among the material witnesses, be recorded, before the next date of hearing fixed before this Court."

4. Counsel for the petitioner further submits that complainant, namely Navjot (wife of the victim Vishal), has already been examined as PW-1. However, with respect to the recording of the statement of the victim Vishal, proceedings were adjourned on 02.07.2025, and rescheduled for 16.07.2025, i.e., for today.



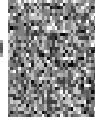
5. A report, along with a copy of the order dated 06.06.2025, has been received from learned trial Court (Learned Additional Sessions Judge, Panipat), indicating that the victim has refused to depose against the accused and has stated that negotiations for a compromise are being carried out outside the Court.

Order dated 06.06.2025, passed by learned Additional Sessions Judge, Panipat, further clarifies that it was the complainant's counsel, Mr. D.P. Singhal, who requested the adjournment to facilitate an out-of-Court settlement.

For reference, said order is reproduced here under:-

*“Present: Shri Sunil Dahiya, Public Prosecutor
for the State assisted by
Shri D.P. Singhal, Advocate
for complainant.
Accused Mohit and Kapil
in custody assisted by
Shri Ajay Rathee, Advocate.
Accused Gaurav in custody
assisted by Shri S.S. Atwal,
proxy counsel for
Shri Baljit Singh Bhanwala, Advocate.
(all accused produced through VC)*

Power of attorney on behalf of accused Mohit and Kapil filed. Power of attorney on behalf of complainant and Victim also filed. Two Pws are present today. The Hon'ble High Court has given specific direction for examining the both witnesses i.e. complainant and victim. However, learned counsel for the complainant Shri D.P. Singhal appeared with the witnesses and requested that the case may be adjourned as some out of court settlement is being admitted. The counsel was shown the direction of the Hon'ble High Court for examining the witnesses and informed that both the witnesses will be examined



today itself and sought time for seeking instruction from his client. To come upon after lunch break.

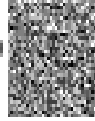
*(Sundeep Singh)
ASJ/ADJ/MACT, Panipat.
(Unique ID Code No.HR/0103)”*

6. Counsel for the petitioner produces the copy of the order dated 14.07.2025 passed by learned Additional Sessions Judge, Panipat, and same is the factual position, which has been recorded again by the Court on the said date.

For reference, order dated 14.07.2025 passed by learned Additional Sessions Judge, Panipat, is reproduced here under:-

*“Present: Shri Sunil Dahiya, Public Prosecutor
for the State assisted by
Shri D.P. Singhal, Advocate
for complainant.
Accused Mohit and Kapil
in custody assisted by
Shri Ajay Rathee, Advocate.
Accused Gaurav in custody
assisted by Shri S.S. Atwal,
proxy counsel for
Shri Baljit Singh Bhanwala, Advocate.
(all accused produced through VC)*

No PW is present. Sh. D.P. Sindhal, Advocate for the complainant has stated at bar that several FIRs have been registered against the complainant/victim Vishal. He is absconding to evade arrest in those cases. On the previous date of hearing, the victim was present but made a statement to the effect that he is unable to depose in the present case as talk of compromise was going on between the parties. Today his deliberate absence leaves this court with no other option but to issue warrants of arrest against victim-Vishal s/o Sewa Singh, r/o 304, TDI, Kundli, District Sonipat, for 18.7.2025 which shall be got executed through Superintendent of Police, Panipat. A separate letter in this regard be written to S.P., Panipat for execution of the arrest warrant of victim Vishal. An application for issuing directions to the SHO, P.S. Chandni Bagh, Panipat/Investigating Officer for preserving CCTV footage of P.S. Chandni Bagh has been filed. Copy



given to learned PP. Reply to the said application be also filed on the next date of hearing, i.e. 18.7.2025.

(Sundeep Singh)

ASJ/ADJ/MACT, Panipat.

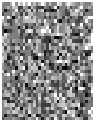
(Unique ID Code No.HR/0103)”

7. From the above, it is apparent that the Court recorded its observation regarding deliberate absence of the victim – Vishal, from the proceedings, which necessitated the trial Court to issue warrants of arrest against him.

8. Considering the nature of the allegations, and without making any conclusive comments on the statements or the photographs, wherein victim can be seen along with some of the accused and a large amount of currency, this Court finds itself constrained to not to curtail the liberty of the petitioner for an indefinite period. Moreover, petitioner is in custody since 17.09.2024, i.e., for approximately ten months. A serious view has been taken of the conduct of the victim, who, for reasons best known to him, is deliberately avoiding his appearance before the Court and failing to make his deposition on oath, despite repeated directions from this Court. In view of the aforesaid factual aspects, present petition is **allowed**.

9. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.
12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.07.2025
Lavisha

Whether Speaking/Reasoned: ✓ YES/NO
Whether Reportable: ✓ YES/NO