

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9559-2025
Reserved on: 04.03.2025
Pronounced on: 19.03.2025

Roshan Kumar @ Bihari @ Raushan Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Ahlawat, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
488	07.06.2024	Sadar Karnal, Distt. Karnal	148, 149, 323, 324, 506 IPC

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. As per paragraph 17 of the bail petition and as per paragraph 6 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	1081	01.09.2018	323, 325, 34, 506 IPC	City Karnal
2.	802	12.09.2019	379 IPC	City Karnal
3.	794	08.09.2019	34, 506 IPC and 12 of POCSO Act	City Karnal
4.	122	13.05.2020	380, 457 IPC	Madhuban, Karnal
5.	283	19.05.2020	148, 149, 323, 324, 506 IPC	City Karnal
6.	211	25.03.2021	174-A IPC	City Karnal
7.	329	22.04.2021	25-54-59 of Arms Act	City Karnal
8.	756	18.09.2021	148, 149, 323, 506, 452 IPC	City Karnal
9.	591	21.08.2022	365, 506 IPC & 8 of POCSO Act	Sector 32/33 Karnal

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That briefly, the facts of the present case are that a complaint dated 07-06-2024, addressed to SHO, PS Sadar Karnal was moved the subject that Complaint against accused no. 1 Deepak @ Goli R/o Jatto gate (2)

Sonu Bihari, (3) Roshan Bihari and other two/three accused for having caused injury to the complainant with a knife with the intention to kill him. The Complainant further stated "at about 8-9 PM at night, I Kannahiya @ Ramesh Kumar R/o Village Nagla Farm, Karnal accompanied with his friend Nonu was going to meet his friend at Khansa Anand Vihar Part-2, Karnal. When we stood near the Church, at that time all the accused came from the behind near us, Upon their motor cycles and the number of one of the Motor cycle is HR-05-BL-1287. Accused Goli @ Deepak took out a knife and hit it on my waist, thereafter accused Sonu Bihari hit me with the knife on my thigh, at that time Roshan (Petitioner/accused) was also wielding a knife in his hand, when I and my friend Nonu made cries for help, then all the accused fled from the spot on their motor cycles by giving threats of life. That all the accused are very dangerous kind of persons and they had earlier also made an attempt to kill me at that time, I had somehow escaped. I have every apprehension that accused would kill me in case they get an opportunity in future"

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 his family.

5. The State's counsel opposes bail and refers to the status report and submits that if this Court is inclined to grant bail that should be on stringent conditions.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"3. That the role of the petitioner/accused has been defined and specifically named by the complainant in his complaint, accompanying the co-accused/assailants and petitioner/accused was reported to have been wielding a knife in his hand at the time of making a assault, but the petitioner/accused with all other accused fled from the spot, when the injured/complainant and his friend Nonu made hue and cry at the spot due to this assault.

4. That the only "evidence against the petitioner/accused" is the ocular version of the complainant mentioned by him in his complaint dated 07.06.2024, wherein, petitioner/accused was wielding the knife in his hand."

REASONING:

7. Given the nature of injuries, role attributed to the petitioner, no ground is made out to deny bail to the petitioner.

8. 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.

9. Given the above, the penal provisions invoked 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 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.

10. 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 Ilaka 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.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. 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.

14. 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.

15. 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.

16. 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.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

19.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.