

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13725-2025
Reserved on: 01.05.2025
Pronounced on: 12.05.2025

Aman Kumar @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Singh, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
292	06.08.2023	Bilaspur, District Yamuna Nagar	364-A, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court second time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.

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

“3. xxx xxx

That on dated 06.08.2023 complainant of this case namely Gaurav Gupta son of Ram Kumar gave a complaint to the police that his father Ram Kumar runs a Karyana shop and he goes for morning walk as usual at Hartol road Bilaspur and comes back after one or two hours. Today at about 6.10 am he went for walking who was having mobile no.90502xxxx and has not returned to home upto 07.30 am. Telephonic call came from his above said mobile on my mobile No.93501xxxx that he will come by evening, so we remained peaceful. Now at about 10.30 am telephonic call was received from the above said mobile phone of my father at my sister's mobile no.93064xxxx that somebody has kidnapped him and they are demanding Rs.50 lakhs and all gold and in case you inform the police then I will be killed. Legal action be taken. Thereafter, the instant FIR was

lodged.”

4. Counsel for the petitioner submits that he has no objection if this Court while granting bail imposes any stringent conditions including surrender of fire arms, if any. On instructions, counsel further submits that petitioner shall not repeat the offence and would not involve himself in the offence, where the sentence is more than 7 years and if he does so, he has no objection if the State files an application for cancellation of bail. He contends that further 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 reply.

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

“21. Role of the petitioner – That with regard to the role of the petitioner, the petitioner was having friendship with co-accused Raj Kumar @ Raju and with a view to earn money, the petitioner and his co-accused hatched a criminal conspiracy to kidnap Ram Kumar @ Ramu and in pursuance of their criminal conspiracy, on 06.08.2023, the petitioner and his co-accused Raj Kumar @ Raju in Innova car bearing number HR 58 A 5431 and demanded ransom of Rs.50 lakhs from his release from the family members of the victim.

22. That later on, on 08.09.2024, the accused Pawan Deha, who had put country made pistol on the forehead of the victim at the time of abduction, was arrested in the present case. The above said Pawan alias Harsh was interrogated, and upon interrogation, he suffered his disclosure statement and in pursuance of his disclosure statement, the above said Pawan got recovered a country-made pistol and 2 live cartridges and also got demarcated the relevant places and after the completion of the investigation qua the said Pawan @ Harsh on 07.12.2024, a supplementary challan under the aforesaid sections was submitted before the Ld. Court.”

REASONING:

7. The allegations against the petitioner are that he along with his accomplices, abducted the victim Ram Kumar @ Ramu i.e. father of the complainant on gun point and demanded ransom from his family to release him, failing which, they threatened to kill him. As per para 19 of the status report, it is mentioned that report of voice sample of petitioner and his co-accused is awaited and he has been in custody since 08.08.2023. However, petitioner, aged 23 years, is a young boy and a first offender, this Court should give him one chance to reform his life. Moreover, given the undertaking by counsel for

the petitioner that in case the petitioner repeats the offence where the sentence prescribed is seven years or more, then the State may file an application for cancellation of bail as such, he is entitled to bail.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 7 of the bail petition, the petitioner has been in custody since 08.08.2023. As per the custody certificate dated 07.04.2025, the petitioner's total custody in this FIR is 01 year, 07 months and 28 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

9. 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 bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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 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.

14. **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.**

15. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

16. 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.

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

(ANOOP CHITKARA)
JUDGE

12.05.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.