



235

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

**CRM-M No.16485 of 2025
Date of decision : 04.08.2025**

Pawan @ Bawalia**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

**********RAJESH BHARDWAJ, J. (Oral)**

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.85, dated 19.04.2021, under Sections 148, 149, 323, 341, 365, 367, 506 of IPC, 1860, registered at Police Station Badhra, District Charkhi Dadri.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Manjeet. It was alleged that on 19.04.2021 at about 11:30 A.M., he along with his friend, namely, Pradeep were coming from Badhra to Bilawal on Pradeep's motorcycle. On the way, they were way laid by Teja son of Ramchander and Pawan @ Bawalia (petitioner), who were in their Bolero vehicle. It was alleged that they kidnapped the complainant and forcibly put him in their Bolero vehicle. Thereafter he was beaten with sticks and



then left him at Pichopa Minor and was threatened not to make any complaint regarding the same. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner earlier approached this Court by way of filing CRM-M No.2234 of 2022 praying for the grant of anticipatory bail, which was disposed of by this Court vide order dated 19.01.2022. However the petitioner jumped the bail and hence he was declared proclaimed offender vide order dated 13.02.2023 passed by the learned Additional Sessions Judge, Charkhi Dadri. Thereafter he surrendered on 05.04.2024 and since then, he is behind bars. Hence, the petitioner approached the Court of learned Sessions Judge, Charkhi Dadri praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Charkhi Dadri declined the petition filed by the petitioner vide order dated 01.02.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M No.29273 of 2024 praying for the grant of bail, however the same was allowed to be dismissed as withdrawn vide order dated 02.08.2024. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as the prima facie case was not made out against the petitioner, hence this court had already granted him anticipatory bail vide order dated 19.01.2022. He has submitted that the petitioner, however violating the terms and conditions of the bail and thus he was declared



proclaimed offender vide order dated 13.02.2023. He has submitted that thereafter the petitioner surrendered on 05.04.2024 and since then, he is behind bars. He has submitted that all the co-accused in the present case are already on bail. He has submitted that the petitioner is behind bars from last more than 01 year and the material witnesses already stand examined. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Reply dated 31.07.2025 by way of an affidavit of Subhash Chander, HPS, DSP, Badhra District Charkhi Dadri on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has already misused the concession of bail granted to him. He, on instructions, has submitted that out of 16 prosecution witnesses, 06 witnesses have been examined till date. He has submitted that the petitioner is a habitual offender, who is involved in 08 other cases. He has placed on record custody certificate of the petitioner dated 01.08.2025 today in the Court and the same is taken on record. He has submitted that no case for the grant of regular bail to the petitioner is made out.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was initially granted anticipatory bail vide order dated 19.01.2022, however as he misused the



concession of bail, hence he was declared proclaimed offender and thereafter he surrendered on 05.04.2024. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 04 months and 10 days as on 01.08.2025. Though the petitioner is involved in 08 other cases, however he is on bail in 04 cases and in 03 of the cases, he has been acquitted.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No