

CRM-M-18114-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18114-2025
Reserved on: 06.05.2025
Pronounced on: 14.05.2025

Hardik Pandey alias Pandey ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Siddarth, Advocate
for the petitioner.

Mr. Naveen K. Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
134	11.07.2024	City Thanesar, Kurukshetra	111(2-B), 111(3), 111(4), 111(6), 111(7), 308(2), 351(2) of BNS 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 17 of the bail petition as well as custody certificate dated 05.05.2025, the accused the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	157	29.04.2024	148, 149, 323, 506 IPC	Ambala City, Ambala
2	11	12.01.2022	160 IPC	Sector 9 Ambala, District Ambala

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

“That the present case has been registered on the complaint of Vaibhav Sharma son of Sushil Kumar Sharma resident of House no. 1746 Sector-3, Urban Estate Kurukshetra Mobile NT no.88139-93881 and contents of the complaint are reproduced as under for kind perusal of this Hon'ble Court.

"To, The Superintendent of Police, Kurukshetra. Subject: Application for taking legal action against Bhanu Rana (Lawrence Bishnoi Group) regarding demanding ransom money of Rs.50,00,000/- (Fifty Lakh rupees) and threatening to kill if the money is not paid. Sir, the applicant makes the following statements:-

That the applicant is a permanent resident of House no. 1746, Sector-3. Urban Estate Kurukshetra and is a peace loving citizen.

(ii). That the applicant works in sending children abroad for higher education and the applicant's firm is in the name of Versatile Immigration Service Pvt. Ltd. which is in Divine City Centre, Kurukshetra and the applicant also keeps on going to England for work.

(iii). That today on 09.07.2024 at about 02:33 PM I received a Whats App call on my mobile number 88139-93881 from mobile number 1(559) 216-8033 and he said that he was calling from Bhanu Rana (Lawrence Bishnoi Group) and asked me not to disconnect the call as he would only talk about things that would be beneficial for me and said that Vaibhav Sharma we have come to know that your business is going very well, give us 50 lakh rupees within two days or else we will kill you and then said that you have only two days time, if you don't give the money, after that our time will start and he also said that I know that you also have an Innova car. If you do not give the money, no one will be able to save you, even if you go to England, we will not leave you there either, you will have to pay the money, if you do not pay the money, we will kill you and whoever will handle your business after you, we will take the money from him. I have the recording of the above call, the pen drive of which is enclosed. Hence, I request you that keeping in mind the above facts, strict legal action may be taken against the above accused persons and the life and property of the applicant may be protected, I would be highly grateful to you. Dated 09.07.2024 Sd/- Vaibhav Sharma".

4. Petitioner seeks bail on parity with Harjeet and Rakesh Kumar who were granted bail by this Court vide a common order dated 29.04.2025 passed in CRM-M-1628-2025. The petitioner's counsel prays for bail by imposing any stringent conditions and on instructions submits that petitioner shall not repeat the offence and would not indulge himself in the offence where sentence is more than seven years and if he does so, he has no objection if State files application for cancellation of bail. He further contends that

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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:

"14. That the allegations against the petitioner/ accused are that he was regularly in touch with one of the main accused i.e. Bhanu Rana through whatsapp call and the petitioner/accused used to manage collection of ransom money and rather even the dongle and sim card used in the present crime also registered in the name of petitioner/ accused. In these circumstances, it is clear that at this stage, from the relevant investigation, the role of petitioner/ accused is specifically emerged in the entire occurrence and accordingly, he has been involved in the present case FIR on the basis of detailed investigation of the local police and the FIR has been registered under serious offence including the organized crime."

REASONING:

7. Allegations against the petitioner are that petitioner is main facilitator in providing sim etc. to main accused and he used to collect money. Although, his criminal history did not reflect that he was a member of gang which was involved in organized crime, however it is a matter of evidence before the trial Court. 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. Per paragraph 7 of the bail petition, the petitioner has been in custody since 11.07.2024. Per the custody certificate dated 05.05.2025 the petitioner's total custody in this FIR is 08 months & 05 days. Given the penal provisions invoked viz-a-viz pre-trial custody, fact that two co-accused have already been granted bail by this Court 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.

8. 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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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 repeats the offence or indulges in the offence where sentence is more than seven years, 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

14.05.2025
anju rani
Whether speaking/reasoned: Yes
Whether reportable: No.