

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20605-2025
Reserved on: 03.07.2025
Pronounced on: 24.07.2025

Akash Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Abhimanyu Singh, Advocate,
Mr. Arnav Ghai, Advocate and
Mr. Dhruv Trehan, Advocate,
for the petitioner.

Ms. Trishanjali, DAG, Haryana.

Ms. Vibhuti Narania, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
77	29.03.2025	Pataudi, Gurugram	3(5) and 108 BNS (Sections 316(2), 318(4) BNS added later on)

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. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the present case are that on 28.03.2025, ASI Narender Kumar received information that one person had consumed poison (sulphas) at Khandewla mor and was being taken to Government Hospital, Pataudi. Upon receipt of this information, ASI Narender Kumar along with other police officials proceeded to the hospital in a government vehicle bearing registration number HR-26-GV-3530. At the hospital, they met the family members and relatives of Ved Prakash. In the emergency room, Dr. Gauray Dhillon was attending to Ved Prakash. Dr. Dhillon instructed the police to call a Duty Magistrate to record the statement of the patient. ASI Narender Kumar attempted to contact the BDPO, but was unable to reach him. The doctor then said that the statement could be recorded in his presence. Balkishan Yadav, a relative of Ved Prakash, was

called in the emergency room. In the presence of Dr. Gaurav Dhillon and Balkishan, ASI Narender Kumar recorded the statement of Ved Prakash. Ved Prakash stated that Devender, Bhupesh (son of Devender), daughter-in-law Sonika, Sonika's father, and Devinder's younger son-in-law Akash, had conspired together and sold his (Ved Prakash's) land without his consent. He had constructed and was living in a house on the said land. He further stated that his relative (samadhi of deceased) Raj Kumar, who is also Devinder's brother-in-law emotionally blackmailed him into vacating the house by promising that his share of money from the sale of land would be given to him by 25.03.2025. However, no money was received. Bhupesh had gone with Rs.25,00,000/- for giving to Raj Kumar, but the amount was not acceptable to Ved Prakash as it was insufficient even for the house. Therefore, he refused to accept it. Ved Prakash further stated that he had submitted a written complaint on 05.03.2025 to SDM Manesar, SDM Pataudi, and DCP Manesar, but no action was taken. He further mentioned that on 18.03.2025, he was called by ASI Surender to Police Post Haily Mandi, where ASI Pradeep recorded his statement. However, no progress was made. Ved Prakash stated that he had lost hope of getting justice. Fed up with the above-named individuals, he consumed poison. He stated that he and his children had been forced to live in rented accommodation after being evicted from their home. He held the named persons responsible for his condition and wished that his statement be recorded by the SDM. After his statement was recorded, Ved Prakash signed it in English. He was referred for further treatment to Gurugram. However, another information was received that Ved Prakash has died at Artemis Hospital, Gurugram. Thereupon, the above mentioned FIR No.77 dated 29.03.2025 u/s 108, 3(5) BNS (Later on added Section 316(2), 318 (4) BNS) was registered at P.S. Pataudi, Gurugram."

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The counsel for the complainant opposes bail.

7. The State's counsel opposes bail and seeks custodial interrogation of the petitioner on the grounds of instigation and abetment to commit suicide. He refers to the status report.

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

"8. xxx xxx

i. That the role of the petitioner Akash Yadav in the present case is that he is

the son-in-law of accused Devender Yadav and he was having the entire knowledge about the fact of not giving the share of sale proceeds of plot to deceased Ved Parkash. Furthermore, on 28.02.2025, when Ved Prakash and his son Mahesh had confronted the accused persons, the petitioner Akash along with co-accused Devender Yadav, Bhupesh Yadav and Sonika Yadav blatantly refused to give the share to Ved Prakash and straightaway told him that they have sold the plot and he can do whatever he wants and that they will not give any money. The petitioner along with other accused insulted Ved Prakash and his son Mahesh and sent them back.

ii. That the evidence against the petitioner is that he has been named by the deceased Ved Prakash in his suicide note dated 27.03.2025 as well as in his dying declaration dated 28.03.2025. Further, as per CDR of mobile no.9990xxxx of the petitioner Akash, his location on 28.02.2025 has been found to be of the house of his father-in-law (accused Devender) at Village Maulahera, Gurugram."

REASONING:

9. In a serious matter, custodial interrogation alone is not a reason to deny bail, the gravity of offence becomes a more important factor. In the present case, there had been some evidence, the gravity of offence would have been made, it's a case where the bail would even be unjustified. But the facts mentioned above, and the role of the petitioner as mentioned in the status report does not point out that the petitioner had knowledge of the consequences or he had the intention to instigate the deceased and had abetted him to commit suicide.

10. 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.

11. 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.

12. 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 Ilaqa 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.

13. 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)	

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

15. 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.

16. 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.

17. 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.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application

to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.