



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22544-2025
Decided on : 16.07.2025

RAKESH KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Chaudhary, Advocate,
for the petitioner.

Mr. Ashok S. Chaudhry, Addl. AG, Haryana.

Mr. Hritik Gupta, Advocate, for the complainant.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rakesh Kumar, aged about 28 years	01	01.01.2025	127(2), 308(2), 308(4), 308(6), 351(2), 3(5) of BNS and Section 25(1) (a) of Arms Act	City Sirsa	Sirsa

2. Counsel for the petitioner contends that all the offences alleged against the petitioner are triable by the Court of Magistrate and petitioner is in judicial custody since 04.01.2025. Despite the lapse of considerable time, none of the 20 prosecution witnesses have been examined, till date.



3. With reference to the allegations in the FIR, which include charges of kidnapping, extortion, and wrongful confinement, counsel for the petitioner draws the Court's attention to the translated version of statement under Section 161 Cr.P.C. given by the victim, Sushil. In this statement, Sushil is stated to have telephoned the complainant, Paramjeet Singh, urging him to arrange for a sum of Rs.5 lakhs, failing which the accused persons would kill him. Said statement is already reproduced in paragraph No.4 of the present petition, and for reference, same is reproduced here under:-

"Statement of Sushil son of Ramswaroop resident village Dahima district Hisar Section 180 BNSS

I stated that I am a resident of the above address and work in transport in Gurgaon. I had become acquainted with Rakesh, who works as a property dealer nearby. Rakesh is friends with Farooq. On Saturday, 28.12.2024, I went to Rakesh's place where Farooq was also present. Both of them took me to NPS Delhi on the pretext of playing a game. Two boys were present there whom Rakesh introduced and told that they are Sudhir and Sunny. After that, he told me that let's go to a hotel and play a game there. All of them took me to Royal Manzil Hotel, Rani Bagh, Shakur Basti. There, Sunny spoke to Abhishek and after discussing about money, gave the money to Rakesh. Rakesh and Farooq left me with Sunny and went away saying that we will come tomorrow. Rani, Sudhir and I stayed there in the hotel. On Monday morning Rohit, a friend of Sunny and Sudhir, came here and these three told me that Sirsa We will go and play a game and all four of us came to Sirsa. Here in Seven Heaven Hotel, their friend named Ravi was already present who took me to the hotel room. There, 2-3 of his friends came who had pistols. They showed me the pistol and said that you arrange the money. I made a WhatsApp call to Rakesh who told me that I will return their money, they will leave you. After that Rakesh switched off the phone. Sunny K-Sudhir handed me over to Ravi A Rohit and their other friends and left on Tuesday. His friends showed me the pistol and said that arrange the money otherwise we will kill you. If you love your life then get 5 lakh rupees. After that, I made a WhatsApp call and asked my brother Paramjeet to arrange 5 lakh rupees. They were repeatedly beating me to get the money and were threatening me by showing the pistol Police arrested



me yesterday on 1.1.2025. Rescued him from Seven Heaven Hotel and caught Rohit at the opportunity, his other companions had told Ravi and Rohit some time back that take care that he does not realize that we are going to get food items, which you have got done today in my honorable court under Section 180 of BNS, I have made my statement which is correct.”

Referring to statement of the victim, counsel for the petitioner submits that it was Sushil himself who had voluntarily accompanied the accused persons to Delhi, and was, in fact, involved in playing games with them during that period.

4. Counsel further argues that the allegation regarding the demand of Rs.5 lakhs has not been substantiated by any concrete evidence, so far. Apart from the bare allegations in the FIR and statement under Section 161 Cr.P.C., there is no substantive material on record that directly connects the petitioner to the commission of the alleged offences. In light of the above and considering the continued incarceration of the petitioner without progress in the trial, counsel prays for grant of regular bail to the petitioner in the present case.

5. On the other hand, counsel for the complainant as well as the learned State counsel, while opposing the petitioner's prayer for bail, submits that it was the petitioner who had taken the victim, Sushil, to Delhi in his car. The said car has already been recovered from the petitioner. However, the learned State counsel does not dispute the fact that, out of the total 20 prosecution witnesses, none has been examined till date, despite the petitioner having been in custody since 04.01.2025. It is also submitted that the petitioner has not been convicted in any other criminal case.

6. Taking note of all the facts and circumstances of the case, including the fact that all the offences are triable by the Court of Magistrate and allegations made in the FIR are yet to be established, this Court deems it appropriate to grant regular bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief



Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.
10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.07.2025
Lavisha

Whether Speaking/Reasoned: ✓ YES/NO
Whether Reportable: ✓ YES/NO