

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-22371-2025
Date of Decision:17.07.2025

Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jagat Vir Dhindsa, Advocate for the petitioner.
Ms. Trishanjali, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
118	02.04.2025	Murthal, District Sonipat	205, 316(2) & 318(4) BNS (Sections 338, 336(3), 340(2), 61, 317(2) BNS added vide order dated 09.07.2025)

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 12 of the bail petition, the petitioner 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:

“That the brief facts of the case are that on 01.04.2025 P/SI Tej Parkash was presented at Police Station Murthal District Sonipat then he received secret information that Manish son of Inder Singh resident of Dev Nagar, Sonipat in a black colour Scorpio car bearing registration No.DL12C-N-3566 with police light atop is present in TDI Royal Espane, who has been fraudulently taking money from children on the pretext of providing them job or Chairman in Committee or for getting loans waived off, and in case raid is conducted, he could be apprehended. Acting on secret information, police swung into action and at the disclosed place the aforesaid Scorpio car with black filmed windows and a police light atop was found parked and the person standing on the side of that car revealed his name as Manish. He could not provide documents relating to the car in question or



the permission relating to using red light on it. Upon search, 15 I-cards on which Ministry of Social Justice and Empowerment, Delhi was written, a service book with Sahil Gaur Group C as per qualification with reporting date and stamps, resumes and other documents were seized. On asking Manish said that he is working as Secretary in The Race Relation Board and Boards Powers and about his role in getting amounts from innocent persons on the pretext of providing job etc. Aadhar card and Identity Card of Manish were also found in the vehicle. 15 identity cards, service book, resume and other documents were found in the car were taken into possession vide separate seizure memo.

3. That Manish above has committed the crime under sections 316(2), 318(4), 205 BNS, 2023 by taking money from fraudulently to get children a job and by installing police light on his vehicle with the intent to deceive in order to avoid checking. On which a case FIR No. 118 dated 02.04.2025 under section 316(2), 318(4), 205 BNS was registered at Police Station Murthal District Sonipat and further investigation was sent into motion.”

4. In compliance of order dated 02.07.2025 passed by this Court, counsel for the petitioner has handed over original affidavits of the petitioner to State counsel. Counsel for the petitioner submits that he would not claim such declaration as any incrimination or violation of his rights under Articles 20/21 of the Constitution of India, Bharatiya Sakshya Adhiniyam, 2023 or any other law in force.

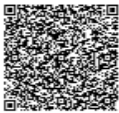
5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. 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.

7. The State's counsel opposes bail and refers to the status report.

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

“ That role of the petitioner in this case is that on asking of co-accused Manish he prepared a total of 13 children for employment



and the deal was struck for Rs.65 lakh as per the price for different posts. The petitioner has taken 31 lacs rupees from children on the pretext of getting them jobs and further out of said amount Rs.27,53,000/- has been given by the petitioner to accused Manish. The petitioner is closed relative i.e. brother-in-law (Jija) of co-accused Manish.”

REASONING:

9. As per the story of prosecution, out of 65 lacs, petitioner has taken 31 lacs and out of theses 31 lacs, he has given Rs. 27,53,000/- to the account of Manish.
10. The petitioner is not the main accused and this is prima facie established by the money transferred to Manish. 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. 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.
12. 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.
13. 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.
14. 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)	



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

16. 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.

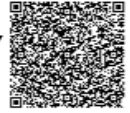
17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

18. 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.

19. 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.

20. 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 shall 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.

21. Any observation made hereinabove is neither an expression of opinion on the case's



merits nor shall the trial Court advert to these comments.

22. 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.

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

(ANOOP CHITKARA)
JUDGE

17.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.