

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26213-2025
Reserved on: 09.07.2025
Pronounced on: 24.07.2025

Narender Kumar @ Lala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarvesh Malik, Advocate,
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
413	10.07.2024	Sector-10, Distt. Gurugram	115, 118(2), 127(2), 351(2), 3(5), 140(2) of BNS, 2023

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. As per paragraph 17 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:

“3. That the brief facts of the present case are that on 10.07.2024, information was received from ERV by ASI Balwan Singh that a fight had taken place in Gadoli village and 1-2 persons have suffered injuries in the same and the injured are being taken to GH Sector-10, Gurugram. ASI Balwan Singh reached GH Sector-10, Gurugram where the injured persons were taking treatment. The Medical Officer told that he will inform him after their treatment. ASI Balwan Singh returned to the police station. At around 6:00 PM, ASI Balwan Singh received the Pl regarding the injured persons Pardeep, Sanju and Gaurav. The said ASI reached GH Sector-10, Gurugram and obtained the MLC and Rukka of injured Sanju Devi, Gaurav and one unknown person. The Medical Officer declared Sanju Devi and the unknown person to be fit for statement. Injured Gaurav was found to have left against medical advice (LAMA). The unknown injured person disclosed his name as Pardeep. The said Pardeep got recorded his statement to the effect that he is in Indian Army and is posted at Pathankot. On 25.06.2024, he had come for 37 days leave. On 06.07.2024, he had come to Village Gadoli where he had taken a room on rent from Kamlesh Devi. The landlord Kamlesh Devi and her daughter

Sanju Devi reside in the room downstairs. On 10.07.2024 at around 10:00 AM, he was sleeping in his room. Suddenly he heard door banging sound. When he opened the door, someone suddenly hit something on his head and he fell unconscious. When he regained consciousness, he saw that Gaurav (son of Kamalesh Devi) and Ashu (son-in-law of Kamalesh Devi) are giving beatings to Sanju Devi. They also gave beatings to him and he again fell unconscious. His hands and legs were tied. The cousins of Sanju Devi arrived there and they rescued them from Gaurav and Ashu. They took them to the hospital. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No.413 dated 10.07.2024 u/s 115, 118(2), 127(2), 351(2), 3(5) BNS (Later on added Section 140(2) BNS and 25(I-B)(a) Arms Act) was registered at P.S. Sector-10, Gurugram.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail and refers to the status report.

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

*“12. vi. That the role of the petitioner Narender Kumar @ Lala in the present case is that he along with accused Ashwani @ Ashu and Gaurav had made Kamalesh Devi to sit in their car and did not let her alight from the car. Later on, accused Ashwani had gone to the house to meet Sanju Devi. Later on, on the asking of accused Ashwani, the petitioner took Gaurav and Kamalesh Devi to the house of Sanju Devi, on Baleno vehicle no. HR-14-R-8520. The petitioner Narender Kumar @ Lala and co-accused Gaurav went upstairs in the house. In the meanwhile, Kamalesh Devi escaped from the car (with her legs tied) Thus, the petitioner was involved in the kidnapping of Kamalesh Devi.
vii. That the pistol type material is to be recovered from the petitioner.
viii. That the custodial interrogation of the petitioner is required for recovering the pistol type material and for obtaining other relevant information regarding the present case.”*

REASONING:

7. The co-accused who were named in the FIR has already been arrested and released on bail. Name of petitioner has been surfaced on disclosure statement; petitioner is a first offender and paras 5 and 6 of bail petition need consideration, as such, the petitioner is entitled to bail. 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.

8. 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.

9. 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 Ilqa 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.

10. 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)	

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

12. 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.

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. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This

restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

16. 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.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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

19. 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.

20. **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.