



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(214)

CRM-M-28873-2025

Date of Decision: 21.8.2025

Naresh Kumar @ Kala Kabadi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. This is the second petition under Section 439 Cr.P.C. read with Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 447 dated 11.5.2024 under Sections 323, 506 IPC and Sections 307, 376, 387, 511, 34 IPC, Section 3/25(1AA) of Arms Act and Section 16 of the Bonded Labour System (Abolition) Act, 1976 (added later on), registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. The translated version of the FIR is reproduced below:-

“SI Satpal Singh No.290/A, alongwith ASI Rajinder Singh No.144/A were present in Police Post Rampura. xxxx (name withheld) wife of Naresh @ Kala Kabadi resident of Lal Dawar, Sobhagya Resort, Yamuna Nagar Police Station Yamuna Nagar, District Yamuna Nagar came present in police post and submitted a complaint. To, The Incharge, Police Station Yamuna Nagar. Subject for taking legal action against (1) Naresh alias Kala Kabadi son of Balwant Rai Verma, (2) Sonu son of Balwant Rai Verma and (3) Balwant Rai Verma, residents of Lal Dawar. Sobhagya Resort, Yamuna Nagar for doing wrong things with the girls by luring them with jobs and running a sex racket by supplying them elsewhere. Sir, the complainant xxxx (name withheld) wife of Naresh @ Kala Kabadi is resident of Lal Dawar, Sobhagya Resort, Yamuna Nagar Police Station Yamuna Nagar, District Yamuna Nagar and is peace loving



and law abiding citizen of India. That above said accused No.1 is famous with the name of Kala Kabadi and accused No.2 and 3 also work with him and if the girls refuse then they put pressure on them and collect huge amount from them. He also provides a car to take the girls from one place to another. Many people work with them. Like Ajay, Deep, Ankit, Sonu, Pavua, Agyeya and others also work. They supply liquor, opium, ganja, smack, weapons, guns (pistols, bullets) etc. They give money to poor people at high interest which is around 15 percent. Those who do not pay, they beat them. They also do wrong things with their mother and daughter. Cases are also registered against the above accused No.1 in the police station/court. But the accused No.1 got his name removed from the case by paying a huge amount. Kala Kabadi helps his companions in every way and also strengthens them financially. The above accused persons and others together do illegal work and to hide their illegal activities they pay bribe to the police. It is submitted that complainant has come to know about all the illegal activities of the accused persons and had caught hold of the weapons of the above mentioned accused. Accused Sonu snatched the weapon from her and beat her badly and also told her that if she told this to anyone then she and her two children would be killed. Accused does not give any expenses and if she asks for expenses for herself and her children, he beats her. Accused no.1 is living by with a woman marrying illegally. When she went to P.G. with her children to meet him, and asked Kale to give her money for the household expenses. He tried to fire at them but Kala was drunk due to which the bullet went straight to the ceiling of room and left its mark which is still present on the roof. She and her children, saved her life from there. So, legal action may kindly be taken against the accused persons and their life and liberty may kindly be protected.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by his wife, who is the complainant in the present FIR, by giving the matrimonial dispute a criminal colour. There is an inordinate delay of four days in lodging the present FIR. Furthermore, there are material improvements and contradictions in the statements of the complainant as well as the other prosecution witnesses. It is submitted that the instant FIR was initially registered under Sections 323 and 506 of the IPC; however upon the subsequent statement of the complainant made on 15.05.2024, wherein patent material improvements had been made, were the offences under Section 307 read with Section 34



IPC, and Sections 3, 25(1AA), 54 and 59 of the Arms Act invoked against the petitioner. It is the submission that the improved version of the complainant was accepted without any independent verification or corroboration by the investigating agency, with the sole purpose of adding gravity to the allegations levelled against the petitioner. Furthermore, on 28.5.2024 the statement of another victim 'G' was recorded, wherein she alleged that the petitioner had tried to molest her. On the basis of the said statement, the investigating agency, without proper inquiry or obtaining any supporting evidence, added Sections 376/511 IPC and Section 16 of the Bonded Labour System (Abolition) Act, 1976 in the present FIR. It is submitted that three material witnesses in the case have been examined, who have not supported the prosecution case and were declared hostile witnesses. One of these witnesses is the victim 'G', who even submitted an affidavit 21.03.2025 before the trial Court, retracting from her initial allegations. It has also been contended that vide order dated 24.6.2024, co-accused Akshay has been granted anticipatory bail, whereas vide order dated 20.9.2024, co-accused Ankush Kumar has been granted regular bail by the learned trial Court concerned. The petitioner has undergone an actual custody for the last 01 year, 02 months and 24 days. There are 07 more cases registered against the petitioner, out of which, he has been acquitted in five cases and in other two cases, he is on bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 02 months and 24 days. He on instructions from the investigating



officer concerned, submits that charges in the present case were framed on 07.3.2025 and out of total of 34 prosecution witnesses, 03 have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail. However, learned State counsel has not controverted the submission of three of the material witnesses having turned hostile before the trial Court.

5. Heard the rival submissions made by learned counsel for the parties.

6. As regards the submission of learned State counsel that petitioner is involved in 04 other criminal cases, it has been held by the Hon'ble Supreme Court ***in Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

7. Admittedly, the charges were framed on 07.3.2025 and out of total 34 prosecution witness, only 03 witnesses including the complainant, have been examined till date and have turned hostile. The petitioner has undergone actual custody of 01 year, 02 months and 24 days. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further



detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 21, 2025
Gurpreet Singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No