

CRM-M-29066-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29066-2025
Date of decision: 03.07.2025

Sandeep alias Sandeep Sharma...Petitioner

Versus

State of Haryana and another...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parshant Sethi, Advocate
for the petitioner.

Ms. Trishanjali Sharma, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
54	22.03.2025	Chhansa, District Faridabad	115/126/190/191(3)/309(4)/309(6)/351 (2) of BNS, 2023 (Sections 309 (4) and 309(6) deleted and Section 310 (2) BNS, 2023 added during investigation)

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 16 of the bail petition and 11 of the status report filed by the State, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, Annexure P-1, which reads as follows:

*“To, the SHO of Police Station Chhainsa, Faridabad.
Respected Sir, I respectfully submit that myself, Sajid son of
Nawab, resident of Village Lahabas, Police Station
Pinangwa, District Nuh, presently residing at Indira Colony,
Bhatta Basti, Jaipur, I am driving vehicle number RJ-14-GP-
6163 for approximately one year. On 21.03.2025, my
conductor Aashi and I were transporting approximately 30 to
32 buffaloes from the Government Mandi of Jaipur Jainpur
Nagar Nigam to Dasna Factory in Uttar Pradesh. After we
crossed the Palwal Toll Plaza, an Eco vehicle began
following us. At around 8 or 9 PM, when we reached near
Maujpur KGP Toll on the highway, the said Eco vehicle
along with another vehicle blocked our path by positioning
themselves in front of our truck on the highway.
Subsequently, around 10 to 12 men stopped our vehicle on*



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the KGP Highway near Maujpur Toll and confronted us, accusing us of transporting cows in our truck. We responded that our vehicle contained buffaloes and invited them to verify it from the back. Those men climbed onto the vehicle and checked, confirming that it indeed contained buffaloes. However, they did not heed our words and, without any provocation, dragged me and my conductor Aashi out of the vehicle and brutally assaulted us with Danda (Sticks), kicks, and punches. Moreover, they forcibly snatched Rs. 12,000 to Rs.13,000 from the pocket of my conductor Aashi in front of me. While they were assaulting us, they called each other by the names Pankaj, Lalit, Sandeep, Yogesh, Krishan, Akash @ Akki, Harender, the driver of the Eco vehicle, Rohit, along with other unidentified persons. I request that strict legal action be taken against all the named and not known accused persons for unlawful restraint, physical assault, and robbery. One of the boys made a call to the police from the spot, after which the police arrived at the spot of the occurrence. Then, these 10/12 boys along with their other accomplices threatened to kill us and fled the spot of the occurrence in their respective vehicles. These boys unlawfully and brutally assaulted us and forcibly snatched money from my colleague, conductor Aashi, and also issued death threats. Strictest possible legal action should be taken against these individuals. The complainant, LTI Sajid son of Nawab, mobile No.9660770112/9896327498, dated 22.03.2025.”

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 their family. Counsel for the petitioner also referred to Annexure P-3 made by counsel for the complainant who endorsed his No Objection for grant of bail to the petitioner.

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 read as follows:

“8. That the petitioner has committed grave and serious offence of intercepting the vehicle which was transporting buffaloes and caused injuries to the complainant and his conductor. The FIR no. 53 dated 22.03.2025 was registered against the complainant and his conductor under Prevention of Cruelty to Animals Act. During the investigation of that case the complainant leveled allegations against the petitioner and his accomplices.

9. That in order to carry out investigation in effective manner, custodial interrogation of the petitioner is necessary. Since the investigation is at initial stage, as such, if applicant/accused is granted pre-arrest bail, he would hamper the same.”

7. I have gone through Annexure P-3 i.e. statement made by counsel for the complainant, as such no ground is made out to send the petitioner for custodial



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interrogation. 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, statement of complainant’s counsel qua no objection 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 Ilaka 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. 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



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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.

14. 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.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.