

2025:PHHC:071984



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

**CRM-M-29886-2025
DECIDED ON: 27.05.2025**

MANOJ KUMAR**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 41 dated 19.02.2025 under sections 115, 127(2), 140(3), 190, 191(2), 308(3) and 351(3) of BNS, 2023 registered at Police Adampur, District Hisar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Rakesh Kumar son of Tarachand resident of Shiv Colony, Mandi Adampur District Hisar. Aged about 36 years. Mobile number.

Stated that I am resident of above mentioned address and I am doing business of share market in Hisar. I am having friendship with Manoj resident of Sadalpur from last around 4/5 years. That I am dealing of around 18 lakhs of rupees with Manoj. Yesterday on dated

16.02.2025, I called Manoj resident of Sadalpur with regard to the money given by me and for settling the accounts. On that Manoj asked me to come to his Dhani in Sadalpur on dated 17.02.2025. On dated 17.02.2025, I along with my friend Satpal son of Mahender resident of Mohabbatpur District Hisar at around 3/4 P.M., went to the Dhani of Manoj in Sadalpur in Honda city car of Satpal. That the road was not in good condition and we stopped our car around 700/800 meters behind the Dhani and went to the Dhani on foot. I called Manoj and then from the house wife of Manoj and his son came out and I asked about Manoj from them then they told that Manoj has gone outside in connection with some work and will return back in sometime and in the meantime you both sit down. After that we sat in the Dhani of Manoj and were having water and tea. Wife of Manoj got me interacted with Manoj on phone and then Manoj told that you can go only after having tea and water and I am coming in sometime. At around 4 P.M., one Fortuner vehicle bearing registration number HR290029 stopped in front of Dhani of Manoj and four boys namely Kuldeep, Hitesh and Palaram, residents of Kaliravan and Dev resident of Mothsara alighted and came in the Dhani. Hitesh caught me from back and then Satpal told them that why are they getting caught hold of Rakesh. After that all four boys started beating me and dragged me towards Fortuner vehicle. They got me sit in the Fortuner and Satpal was made to sit in the Dhani by Palaram. After that Kuldeep, Hitesh and Dev took me for 4/5 km away in the fields of Eucalyptus trees. That the car was driven by Kuldeep and after going there they got me alighted from the car and after that, all three of them gave me beatings and after taking out stick from the vehicle they mercilessly gave me beatings and also prepared video of my beatings after beating me for some time they all three dragged me in the same car and took me near temple in village Bhana. There Manoj and Vicky came in the Swift car of Manoj and Palaram also came there on bike along with Satpal. After that they put me in the same Fortuner vehicle and took me to Khara Khedi Road from Sarangpur. There Manoj, Vicky and Palaram along with

Satpal also came there in the swift car of Manoj. There they got me down from the vehicle and Manoj, Vicky, Hitesh, Kuldeep and Dev started beating me with sticks and Palaram made Satpal sit in the swift car and demanded Rs. 30lacs from me and told if you will not give the money then they will kill me and then I told them to made me talk with Naresh who is son of my aunt (Bua) from my phone and I asked my aunt's son Naresh that I have been caught by the police and I am in need of money. On this, Naresh told that he will call me in 5/7 minutes after arranging money. After that they again got me interacted through my phone to my aunt's son Naresh and Naresh consented to give Rs.5 lakhs. After that, Kuldeep sent a boy, namely Deep in sector 14 Hisar and there Naresh handed over Rs.5 lakhs to that boy. After that they handed over my phone to me and after that Manoj and Vicky took me and Satpal in the Dhani of Manoj in the Swift car of Manoj and Kuldeep, Hitesh, Dev and Palaram stopped their along with Fortuner vehicle. Manoj threatened me in the Dhani that if he will give complaint in police then they will kill me. After that I along with my friend Satpal went to Hisar in the Honda city vehicle of Satpal from the Dhani of Manoj. On dated 18.02.2025 I was got admitted in Government Hospital, Hisar by my friend Satpal and after getting first aid and me and my friend Satpal went to the room in Hisar. Today, I and my friend Satpal came to Agroha and there you met us. I have given my statement in front of my friend Satpal and is written and is read over and is correct. SD/- RAKESH, SATPAL ATTESTED RAMESH KUMAR ASI PS ADAMPUR. Dated 19.02.2025”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is unexplained delay of two days in lodging the FIR. He further submits that though the petitioner was present at the spot, but no injury has been attributed to him. He asserts that the petitioner has

advanced an amount of Rs.18 lacs to the complainant as a friendly loan. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jastej Singh, Addl. AG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition, stating that the car used by the petitioner in the commissioning of offence is yet to be recovered, therefore, his custodial interrogation is required.

4. **Analysis**

Be that as it may, after due consideration of the submissions made hereinabove, particularly the fact that the present case appears to be one of concoction and fabrication, which requires thorough examination based on cogent material and evidence. At this stage, no recovery is to be effected from the petitioner, as it is a case involving no use of any weapon, and the injury allegedly caused to the complainant is neither grievous nor dangerous to life, as has been candidly informed to this Court by the learned State counsel. Furthermore, it is noted that the complainant was admitted to the hospital for the alleged injuries only on the day following the occurrence and subsequently discharged on (Lama).

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.05.2025

Meenu

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