

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32277-2025
Reserved on: 11.08.2025
Pronounced on: 21.08.2025

Rahul Seth

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., Haryana.

Mr. M.S. Bhatti, Advocate and
Ms. Manisha Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	19.03.2025	Sadar Jagadhri, District Yamuna Nagar	108, 3(5) BNS, 2023

1 The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2 As per paragraph 12 of the status report, the petitioner has no criminal antecedents.

3 The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That in this regard, it is submitted that detailed facts of the FIR have been given in Annexure P-1. However, gist of the case is that on 18/03/2025 ASI Parwinder Singh was present in the police station and at that time Harsh Kumar s/o Madan Lal along with his family members came present in police station Sadar Jagadhri and said that mobile number of his father is 95418-xxxx and he is missing. On this, after taking location of the above phone from the cyber cell, on the basis of the location, ASI Parvinder Singh along with other police officials reached at Dadupur Nalvi Canal Kharwan where a person was found hanging with a tree near the track with a rope. Harsh and his family members identified him as Madan Lal son of Bhulla Ram. ASI Parvinder Singh immediately informed scene of crime team. The in-charge scene of crime team examined the spot, brought the dead body down, gave instructions and left the spot. Harsh Kumar son of Madan Lal got his statement recorded that his father Madan Lal sells vegetables by hawking on a motorcycle. His

grandfather Mulla Ram many years ago had given a shop to the co-accused Narender Kumar i.e father of the petitioner, which is near their house resident Kharwan for Rs.12,000. The shop and their house had a common wall and his father Madan Lal wanted to install pipes for toilet and bathroom in the wall on their side and when his father started installing pipes for water in that common wall, Narender Kumar co-accused refused and told his father that this wall is ours and he will not let him install any kind of pipe in this wall. About 5/7 years ago, Rahul (petitioner) son of co-accused Narender Kumar had done obscene acts with his mother. Rahul had accepted his mistake and matter was settled between both the parties in the village itself. But Rahul still did not stop his acts, due to which his father started getting worried. On 18/03/2025, Pandit Naresh Kumar of his village told his father that Rahul used to peek towards his house with malafide intention due to which his father became more worried and at around 9.15 p.m. his father told them that he will come after filling petrol in the motorcycle and when his father did not come home for a long time, so he called him but he did not pick up the call, then they searched for him nearby but could not find him, then they dialed 112 number and found police personnel who told them that there was a phone call from Madan Lal who was saying on the phone that 'I am committing suicide due to being harassed by Rahul' and then they together searched for his father but no clue was found about his father, then he came to the police station. The complainant also got recorded in his statement that he took out mobile phone from the pocket of his father and checked it, in which his video was heard in which his father is saying that he has hanged himself after being harassed by Narender Kumar co-accused and Rahul (petitioner) son of co-accused Narender Kumar.

4. That on the basis of aforesaid statement, present FIR No. 0047, dt. 19-03-2025, u/s 108, 3(5) of BNS, 2023 was registered at Police station Sadar Jagadhri. xxx xxx”

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

5 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.

6 The State's counsel opposes bail and refers to the reply.

7 It would be appropriate to refer to the following portions of the reply, which reads as follows:

“8. That during the course of investigation, the allegations levelled against the accused/petitioner were found cogent. Accused/petitioner admitted his offence in his disclosure statement dated 20.03.2025. True translated copy of accused/petitioner is hereby annexed as Annexure R-3. Accused/petitioner was arrested on 20.03.2025 and produced in the Court

of Illaqa Magistrate and the ld. Illaqa Magistrate sent the accused in judicial custody.”

REASONING:

8 There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 15 of the bail petition, the petitioner has been in custody since 20.03.2025. As per the same, the petitioner’s total custody in this FIR is around 05 months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9 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.

10 Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Illaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11 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)	

12 This order is subject to the petitioner’s complying with the following terms.

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 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.

15 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.

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

17 In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

21.08.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.