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

**CRM-M No.36849 of 2025
Date of decision : 22.08.2025**

Sudarshan @ Sandeep**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Anupal Singh Tanwar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

**********RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.37, dated 09.02.2024, under Section 365, 364-A, 120-B, 201 read with Section 34 of IPC and Section 25 of Arms Act, registered at Police Station Tosham, District Bhiwani, Haryana.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Rakesh. It was alleged that his nephew, namely, Raghav, was of the age of 12 years and was studying in Vidya Silam School, Hansi Road. He used to go to school daily on cycle. However on 09.02.2024, he went to the school and after the school, he used to go to coaching from 04:00 P.M. to 05:00 P.M. His friend



Keshav came to the house with the bag of Raghav and informed that Raghav was not present at the shop. The family members being apprehensive, started searching for Raghav, but he could not be traced. They came to know that Raghav was kidnapped in an Ertiga car and was taken towards the village Ratera. The request was made to trace out/search Raghav and take legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, child, namely, Raghav was recovered on 12.02.2024 from the custody of accused, namely, Khetu, Vir Singh @ Lekhu and others. During the investigation, complicity of the petitioner also surfaced and thus, he was also arrayed as an accused in the present case. The petitioner was arrested on 07.03.2024. The petitioner approached the Court of learned Additional Sessions Judge, Bhiwani, praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Bhiwani declined the petition filed by the petitioner vide order dated 11.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner was named in the FIR nor he was attributed any overt act, however he has been implicated in the present case during the investigation. He has submitted that the victim child has been examined by the trial Court as PW-5 and all the accused persons were shown to the victim child in Court through video conferencing but he refused to identify any of the accused and thus on the request of the Public Prosecutor, he was declared hostile. He has submitted that false implication of the petitioner is



writ large. He has submitted that the petitioner is behind bars since the date of his arrest, i.e., 07.03.2024 and has completed incarceration about 01 year and 05 months. He has submitted that co-accused of the petitioner, namely, Rohit has already been granted bail by this Court vide order dated 05.08.2025 passed in CRM-M-57158-2024 and thus case of the petitioner is at par with that of the co-accused. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She has submitted that complicity of the petitioner was established during the investigation. She has submitted that the petitioner is involved in a heinous offence. She has submitted that as per the recovery memo, the child has been recovered from the custody of petitioner along with co-accused, however co-accused, Rohit was not even named in the FIR. She, on instructions, has submitted that out of total 67 prosecution witnesses, 45 witnesses have been examined. She has placed on record custody certificate of the petitioner dated 19.08.2025 today in the Court and the same is taken on record. She has submitted that the petitioner is involved in one more case. She has endorsed the fact that co-accused has already been granted bail by this Court. She has submitted that no case for the grant of regular bail to the petitioner is made out.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that complicity of the petitioner in the present case was surfaced during the investigation wherein it was alleged that he carried out the recce. The petitioner was arrested on 07.03.2024 and since then, he

is behind bars. As submitted before this Court by the learned State counsel, out of total 67 prosecution witnesses, 45 witnesses have been examined. As per the custody certificate of the petitioner, he has completed incarceration of 01 year, 05 months and 13 days as on 19.08.2025. It further reflects that the petitioner is involved in one more case. Co-accused of the petitioner has been released on bail by this Court vide order dated 05.08.2025.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail on parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

22.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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