

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42771-2025
Reserved on: 03.09.2025
Pronounced on: 09.09.2025

Rakesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Kumar Pandey, Advocate for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	09.03.2019	Rewari City, District Rewari	379 B, 365, 34 IPC

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 para 29 of the bail petition and as per para 14 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	21	15.01.2017	457, 380 IPC	City Narnaul
2.	614	08.11.2017	457, 380 IPC	City Narnaul
3.	381	14.05.2017	457, 380 IPC	City Narnaul
4.	68	27.03.2019	392, 397 IPC	Sadar Narnaul
5.	51	11.02.2019	379 IPC	Kherki Daula, Gurugram
6.	261	28.03.2019	379 IPC	Sadar, Gurugram

3. The facts and allegations are being taken from status report, which reads as follows:

“3. That the brief facts leading to the registration of the aforementioned FIR are that on 08.03.2019 police officials were present for patrolling duty at Azad Chowk when telephonic information was received that Rahul (complainant) was admitted in Government Hospital, Rewari. Upon this information police party reached Government Hospital, the injured was not found present and MLR along with doctor's rugqa was received. Thereafter on 09.03.2019 when the police was present for patrolling duty, complainant Rahul Kashyap came present and moved a complaint with the averments that he worked as a driver with Vishal Nassa and he had taken his car along with owner's friend and family to Kaka Vatika near KLP College at Rewari. It was further alleged that the car was parked by the complainant in front of Kaka Vatika and the complainant was relaxing in the car when suddenly, at around 12 at night, four unknown persons entered in the car, tied the complainant with cloth and started giving him

beatings and while giving beatings, took the car at Jaipur highway where the complainant was thrown in the field. The assailants ran away with the car. The complainant further alleged that he had given the details of the car and his own mobile number. He further stated that he went to the police at night who had taken him at Civil Hospital, Rewari and after giving the first aid, he was left at Rewari Station, from where he went to Gurgaon by train at 4.00 a.m. and disclosed the entire occurrence to his owner. On the basis of these allegations, FIR aforementioned was registered and investigation was taken up in the matter.”

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 his family. He further submits that the petitioner was earlier on bail and due to non-appearance, his bail was cancelled and now he is in custody since 11.06.2024.

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 status report.

7. It would be appropriate to refer to para 10 of the status report, which reads as follows:

“10. That the petitioner has played an active role in the commission of present crime. The complicity of the petitioner had surfaced in the disclosure statements of co-accused Aman and Gaurav. As per the investigation, the petitioner and co-accused had conspired to come of Rewari and commit theft. The petitioner and co-accused had forcefully entered the car of the complainant parked outside a banquet hall and had tied the complainant with a cloth and had given beatings to the complainant. They had snatched the mobile phone and Rs.200/- from the complainant and thereafter, took the car of the complainant along with the complainant towards NH-8 and there, they threw the complainant out of the car.”

REASONING:

8. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 26.08.2022, passed by the trial Court. After that, non-bailable warrants as well as proclamation were issued against the petitioner and he was declared proclaimed person by the trial Court vide order dated 21.12.2022.

9. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day. As per para 7 of order dated 09.07.2025 passed by the trial Court, petitioner is behind bar since 11.06.2024.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage.

11. 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.

CONDITIONS:

12. 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 Ilaqa 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.

13. 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)	

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

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. 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.

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

09.09.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No