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

**CRM-M No.57158 of 2024
Date of decision : 05.08.2025**

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

Present :- Mr. Jaiveer Singh Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, 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 Sections 364-A, 365, 120-B, 201, 34 of IPC, and Section 25 of Arms Act, registered at Police Station Tosham, District Bhiwani.

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. All the co-accused were arrested and thereafter on their disclosure, the complicity of the petitioner also surfaced and thus, he was also arrayed as an accused in the present case. The petitioner was arrested on 15.02.2024. 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 09.10.2024. Hence being aggrieved, the petitioner is again 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 on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner is a young boy of 21 years of age, who has no criminal antecedents. To buttress his arguments, he has submitted that father of the petitioner has been examined as PW-4, who has not deposed anything regarding the identity of the petitioner. 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., 15.02.2024 and has completed incarceration about 01 year and 06 months. 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. He has submitted that complicity of the petitioner was established during the investigation. He has submitted that it was the petitioner, who carried out the recce of the child, and thus facilitated his kidnapping. He has submitted that voice sample of the co-accused was taken and sent to the FSL and as per the FSL, the voice sample matched with the voice of the co-accused. He has submitted that the petitioner is involved in a heinous offence. He, on instructions, has submitted that out of total 67 prosecution witnesses, 44 witnesses have been examined. He has placed on record custody certificate of the petitioner dated 02.08.2025 today in the Court and the same is taken on record. He 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 15.02.2024 and since



then, he is behind bars. As submitted before this Court by the learned State counsel, out of total 67 prosecution witnesses, 44 witnesses have been examined. As per the custody certificate of the petitioner, he has completed incarceration of 01 year, 05 months and 17 days as on 02.08.2025. It further reflects that the petitioner is not involved in any other case.

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, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

05.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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