

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59868-2024
Reserved on: 04.03.2025
Pronounced on: 25.03.2025

Neeraj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chetan Sharma, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	15.04.2024	BPTP, Distt. Faridabad	436, 506, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That in compliance of orders dated 21.01.2025, it is submitted on the day of the occurrence i.e. on 15.04.2024, all the three accused persons (including the petitioner/accused) were caught by the people present at the pump and after getting the information, police reached there and arrested the accused persons namely, Neeraj (petitioner), Ajit and Manish on the same day. They suffered their disclosure statements and confessed their guilt. In pursuance to their disclosure statements, they also got demarcated the place of occurrence.

3. That as per CCTV footage of the occurrence three persons (including the petitioner/accused) in an auto-rickshaw, which was being driven by petitioner/accused, are being seen coming from the wrong side for getting filled CNG and the passengers of the auto-rickshaw are being seen

misbehaving with the Salesman at the Petrol Pump. After getting filled the CNG in their vehicle, they are also being seen hitting an employee at the Pump. After sometime, all the three boys in their auto-rickshaw are again being seen coming to the Pump. One of the boys is seen getting down from the auto-rickshaw, who unlatched the nozzle of the Petrol Machine, place it on the ground and set it on fire. Thereafter, all three of them are being seen fleeing from the spot.

4. That as per record, auto-rickshaw No. HR-38AF-8639 is registered in the name of bother of petitioner/accused namely Suraj Kumar son of Manoj Mishra, resident of House No. 05, Main Road, Deha Bhupani Bhaskaula, Faridabad-121002. Said auto-rickshaw was used/driven by petitioner/accused at the time of alleged incident.”

4. Petitioner seeks bail on parity with accused Ajeet and Manish who have been granted bail by the Additional Sessions Judge, Faridabad vide orders dated 02.08.2024 and 23.08.2024 respectively. 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 their family.

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

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That the role attributed to petitioner/accused is that he actively participated in the commission of offence, which is prima facie established from CCTV footage. The petitioner/accused extended threat to the Petrol Pump Owner/Dealing Hand to set ablaze, the Petrol Pump, alongwith other two co-accused. The petitioner is one of the main accused, who after having driven the auto rickshaw, on wrong side and objection being raised by the Petrol Pump's service providers, beatings were given to them and later, set it ablaze, after removing the nozzle of the Pump. Petitioner/accused got recovered his auto rickshaw bearing registration No. HR-38AF-8639, used in the commission of offence, which was taken into possession.”

REASONING:

7. Since the co-accused have already been granted benefit of bail by the Sessions Court, petitioner is entitled for bail on the ground of parity and period of custody.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged

crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 10 of the bail petition, the petitioner has been in custody since 15.04.2024 and accordingly his custody in this FIR is 11 months.

10. 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.

11. 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.

12. 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)	

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. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to 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. 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.

(ANOOP CHITKARA)
JUDGE

25.03.2025

anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.