

2025:PHHC:048004



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

224

CRM-M No.62585 of 2024  
Date of Decision: 07.04.2025

Mohd. Talha ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Puri, Advocate,  
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,  
for the respondent-State.

Mr. Shiv Kumar, Advocate,  
for the complainant.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                | Sections                                                                              |
|---------|------------|-------------------------------|---------------------------------------------------------------------------------------|
| 302     | 12.11.2011 | Chand Hut,<br>District Palwal | 302, 406, 420, 364-A, 387, 201 and 120-B of IPC and 25 and 27 of Emigration Act, 1983 |

2. As per the allegations, the victim Prem Pal who was brother

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of the complainant Jagram Singh had been taken by Sanju @ Sanjiv Rawat to Malaysia in October 2011 on the assurance of providing job there. Sometime after reaching there, the victim asked the complainant to send him money for incurring expenses and subsequently, he disclosed that he had been detained by some unknown persons who were threatening to kill him unless an amount of Rs.4 lakhs was given. To save the life of his brother, the complainant had transferred the demanded amount in different bank accounts the details of which were provided by the persons who kept the victim as captive. However, sometime thereafter, the demands increased. The complainant sought help from the above named Sanju who assured to do so but in the meanwhile, the victim was murdered and intimation qua recovery of his dead body from Bangkok, Thailand had been received. Investigation proceedings were initiated and it was revealed that accused Mohammad Vaish in connivance with his brother Mohammad Soyeb had managed abduction of the victim and had received ransom money. He was arrested on 20.04.2015. He suffered statement disclosing the involvement of the present petitioner and co-accused Tasneem, Subbi and Mohammad Ayaz. Proceedings under Section 82 of Cr.P.C. were initiated against the petitioner and he was declared a proclaimed offender on 26.10.2015. The co-accused Mohammad Ayaz, Subbi and Sana Tasneem were also declared proclaimed offenders. Accused Mohammad Vaish faced trial and was acquitted. The petitioner was arrested on 13.11.2024, Investigation qua him stands concluded and challan has been presented. He had also moved a petition for

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quashing of the order whereby he had been declared a proclaimed person which was allowed on 17.03.2025. However, the petitioner had already been arrested.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 13.11.2024. The order declaring him as a proclaimed offender stands quashed. The allegations against him are that his account had been used by accused Mohammad Vaish for getting ransom money deposited. Accused Mohammad Vaish already stands acquitted. The custodial interrogation of the petitioner is no more required. Trial would take time. No material has been collected by the investigating agency to show that he had any complicity in the abduction or in murder of the victim. The ingredients for commission of remaining offences for which he has been booked are also not attracted against him. Accordingly, it is urged that he deserves to be released on bail.

4. Status report has already been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner was not named in the FIR. As per the allegations, his bank account was used by co-accused Mohammad Vaish to receive money from his brother Mohammad Soyeb who resided in Malaysia at the relevant time. There is nothing on record to suggest that any money was deposited by the family of the victim in the bank account of the present

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petitioner. The order declaring the petitioner as a proclaimed offender has been quashed. The trial would take considerable time since no witness has been examined so far. The co-accused Mohammad Vaish has been acquitted of the charges as framed against him. Given the nature of the allegations as levelled against the petitioner, it is a debatable question as to whether his complicity in commission of offences of abduction, extortion of money or murder of the victim has been made out or not. This question has to be decided only on thorough assessment of the evidence to be produced before the trial Court. Keeping in view the above discussed facts and in the peculiar circumstances but without meaning to make any comment on the merits of the case, in the opinion of this Court, the petition deserves to be allowed. The same is, accordingly, allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds with surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and further subject to the condition that till the conclusion of the trial, he shall appear before the concerned Police Station once on the first Monday of every month. He will surrender his passport and shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.



7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

07.04.2025  
manju

(MANISHA BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |