

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

CRM-M-1283-2025
Reserved on: 10.03.2025
Pronounced on: 18.03.2025

Sunil Kejriwal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mudit Johar, Advocate with
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
546	04.11.2022	Pundri, Kaithal, Tehsil and District Kaithal	406, 420, 418, 386, 364-A, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In the bail application, the petitioner is silent about criminal antecedents, however, as per paragraph 18 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	668/2023	-	25 of Arms Act	City Karnal
2.	173	13.05.2023	370, 384, 406, 420 IPC and 24 of Immigration Act	Pundri, Kaithal

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

“3. That the brief facts of the case is that a written complaint of Complainant/Amritpal Singh s/o Gurdeep Singh r/o village Bakal District Kaithal was received in PS Pundri through SP Office Kaithal and in his complaint he alleged that his brother Vikram Singh wanted to go Canada and regarding this Avtar Singh s/o Ajit Singh introduced them with Devinder Singh Rudarpura UP and

Gurdev Singh r/o Ram-Raj Meerut UP. They both took his brother with them asking to be sent to Canada. It was alleged that they had taken his brother to Kolkata and there they snatched his currency (Dollars) and kidnapped him. They represented to the complainant that his brother had arrived in Canada and got made Two audio calls and one video call, in which his brother was seen under fear. Thereafter his brother managed to call and disclosed that he is under confinement at Kolkata and thereafter, accused persons asked ransom of Rs. 13 lacs; that they further gave beatings to his brother and snatched his mobile phone. It was alleged that life of his brother was in danger. On these allegations the present FIR no. 546 dated 04.11.2022 u/s 364-A/386/406/418/420/120-B of IPC was registered at PS Pundri.”

4. 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 status report.

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

“16. That regarding the role of the petitioner, it is submitted that Sunil Kejriwal, also known as Suraj, played a central role as the mastermind behind the organized kidnapping and extortion racket. He was responsible for luring individuals to Kolkata under the pretense of sending them abroad, only to have them kidnapped upon arrival. He orchestrated the entire operation, ensuring victims were intimidated through physical abuse and threats, often using fake pistols and knives to instill fear. Sunil personally handled ransom negotiations, instructing victims to call their families while under duress to demand money. He coordinated financial transactions through hawala channels, using Abdul Karim Rehman Qureshi as an intermediary. Sunil also oversaw the movement of kidnapped individuals between locations, such as Minerva Garden and Diamond Park, and managed a network of associates, including drivers and enforcers, who carried out his orders. His leadership and strategic role made him the key figure in executing and sustaining the criminal operation.”

7. 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.

8. Per paragraph 7 of the bail petition, the petitioner has been in custody since 04.10.2023. Per the custody certificate dated 08.03.2025, the petitioner's total custody in this FIR is 01 year, 04 months and 22 days.

9. 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 further pre-trial incarceration at this stage.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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

14. 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.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home and workplace.

17. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

18. 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.

19. **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.**

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. 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.

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

(ANOOP CHITKARA)
JUDGE

18.03.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.