

2026:PHHC:029275



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-62898-2025 (O&M)

Aryan

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	23.02.2026
2	The date when the judgment is pronounced	25.02.2026
3	The date when the judgment is uploaded on the website	25.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Khari, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 189 dated 15.08.2025 registered under Sections 105, 115(2), 127(8) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) (Sections 109(1), 103(1), 140(3) and 351(3) of BNS deleted and Section 105 of BNS added later on) at Police Station

Bajghera, District Gurugram.

2. As per the allegations, on 14.08.2025, upon receipt of an information regarding admission of victim Ajay Tiwari in Manipal Hospital in injured condition, a police party reached there and subsequently visited Safdarjung Hospital, where the attending doctor declared the injured unfit to make statement as he was on ventilator and in critical condition. Thereafter, the complainant Suman Tripathi, who is wife of the victim, submitted a written complaint at Safdarjung Hospital to the police alleging therein that on 25.04.2025, her husband Ajay Tiwari had borrowed ₹30,000/- from one Parveen Rana. Subsequently, her husband returned ₹15,000/- to Parveen Rana. Despite this, Parveen Rana was persistently demanding the remaining amount by pressurizing and extending threats to her husband. On 13.08.2025, Parveen Rana came to the workplace of Ajay Tiwari at M3M Company in his car and forcibly made him sit inside the vehicle by threatening him over the issue of money. At about 8:05 PM, Parveen Rana called the complainant from his mobile number and made her speak to her husband on speaker mode, demanding immediate payment and threatening dire consequences. Under coercion, the complainant transferred ₹1,000/- through Google Pay to Parveen Rana. Thereafter, Parveen Rana stated that he would release her husband but threatened that in case the remaining amount was not paid by 20.08.2025, he would again abduct him. After about half an hour, a colleague of the complainant's husband informed her that Ajay Tiwari had been taken to Manipal Hospital, Gurugram, in a critical condition. Due to the seriousness of his condition, he was referred and admitted to Safdarjung Hospital, New Delhi, where he remained on ventilator support. It was alleged that Parveen Rana,

along with his associate, forcibly abducted Ajay Tiwari, wrongfully confined him, threatened him with death, and inflicted serious injuries with the intention to kill.

3. Initially a case under Sections 105, 115(2), 127(8) and 3(5) of BNS was registered and investigation proceedings were initiated. During the course of the treatment, the injured Ajay Tiwari had died on 15.08.2025. Offence under Section 109(1) of BNS was dropped and offence under Section 103(1) of BNS was added. Accused Parveen Kumar was arrested on 15.08.2025 itself. He suffered disclosure statement admitting his involvement in commission of subject offences. He got recovered the mobile phone in which he had recorded the conversation with the deceased and a Whatsapp footage of the incident sent by petitioner. The name of the petitioner had surfaced in the disclosure statement of accused Parveen Kumar with the allegations that on the fateful day, he had helped the accused Parveen Kumar to abduct the deceased and had also made the video recording of the incident. The petitioner was also arrested on 15.08.2025. He suffered disclosure statement admitting his involvement in the crime and got recovered the car used in the crime including the mobile phone and several other articles/documents related to the deceased. Accordingly, offence under Section 103(1) of BNS was dropped and offences under Sections 105 and 308(2) of BNS were added. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A bare perusal of the video recording, allegedly

made by the petitioner and which has been placed on record in the form of a pen drive, would clearly show that the petitioner did not utter a single word to the deceased. Even the co-accused Parveen Rana @ Parveen Kumar is seen only questioning the deceased regarding the repayment of money and as to why he was residing away from his house. When the co-accused suggested going to the victim's house, the victim himself jumped from the moving vehicle, as a result of which he sustained injuries and subsequently succumbed on 15.08.2025. It is further argued that the petitioner was neither named in the FIR nor attributed any specific role therein. He has been nominated as an accused only on the basis of a vague and casual statement allegedly made by the co-accused, which is legally insufficient to connect the petitioner with the alleged offence and even not admissible in evidence. The petitioner had no concern with, or knowledge of, the monetary dispute, which admittedly existed only between the co-accused Parveen Kumar and the deceased.

5. Learned counsel for the petitioner has further argued that even a perusal of the challan report, which has been placed on record as Annexure P-4, would show that it is specifically mentioned therein that ***"..thereafter, Parveen, Aryan, and Ajay Tiwari drove from M3M and as soon as Parveen told Ajay that he was going to his home, Ajay Tiwari, for some unknown reason, jumped over the speed breaker in front of Bajghera police station"***.

This fact is sufficient to prove the innocence of the petitioner. Even otherwise, complainant has turned hostile while appearing before the learned trial Court as PW-1. She has deposed that her husband (victim/deceased) had told her that he had jumped from the car with his free will and consent and nobody had compelled him to do so. It is further argued that in the given circumstances, the

chances of his conviction for commission of alleged offences are very bleak. Conclusion of trial is likely to take time. The petitioner has been in custody since 15.08.2025. He has clean antecedents. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

6. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has not disputed the factual assertions but has opposed the prayer of the petitioner on the ground that there are serious allegations against him. It is, thus, argued that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. The petitioner was not named in the FIR and his implication has primarily surfaced on the basis of the disclosure statement of the co-accused. The video recording, which forms the core of the prosecution case and has been placed on record, prima facie does not depict any overt act or active participation on the part of the petitioner. It is evident therefrom that the petitioner did not utter any word to the deceased and the conversation was confined to the deceased and the co-accused Parveen Kumar. It is also significant that as per the challan itself, the deceased, for reasons unexplained, jumped from the moving vehicle. Further, the complainant, who appeared as PW-1, has not supported the prosecution version and has categorically stated that the deceased jumped from the car of his own volition and was not compelled by anyone. It will be a matter of trial whether any prima facie case for commission of alleged offences has been made out against the petitioner or

not? Investigation stands completed and the challan has been presented. The petitioner has been in custody since 15.08.2025. The trial is yet to conclude and is likely to take considerable time. The petitioner is a young person with clean antecedents and continued incarceration, at this stage, would serve no useful purpose. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

25.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No