



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-910-2026

Date of decision: 16.01.2026

RAKESH AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Nitin Thatai, Advocate
(*Through Video Conferencing*) and
Ms. Shruti Sharma, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Sunil Kumar Nehra, Advocate
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 0588 dated 07.11.2025, registered under Section(s) 109(1), 115, 127(2), 3(5) and 351(2) of the BNS, 2023 at Police Station Civil Lines, District Sirsa. s

2. The FIR in the instant case was registered on the statement of Smt. Jai Bala W/o Rajender Singh. The same is reproduced hereinafter

below:-

"I am a resident of the above address. I do domestic work. I am 12th class pass. My son Rahul works in JCD Sirsa and I also live in JCD Sirsa with my son and my grand daughter Divyanka aged 2 years. Today (i.e. 06.11.2025) at around 3.30 PM, I was taking my grand daughter Divyanka to the nearby park for playing. At that time, my son-in-law Rakesh (petitioner of BA-4058-2025) and his elder brother Narender (petitioner of BA-4059-2025) sons of Kapoor Singh resident of Sindol District Hisar and another person whose name and address I do not know stopped me and parked the car number HR16P1040 brand Swift colour white in front of me. Rakesh caught my grand daughter Divyanka who was in my hand and Narender hit me with the car with the intention to kill me and I fell down due to the collision and received several injuries. My son-in-law Rakesh and Narender and another person fled from the spot with my grand daughter and while leaving Rakesh told me that if I saw his daughter Divyanka he would kill me and they fled from the spot with my grand daughter. When I raised an alarm, hearing the noise Neelu Jhijha Warden came to the spot and informed the police by dialling at 112 from her mobile. Then Neelu Jhijha called at the main gate of JCD Sirsa and gave information for got stopping the vehicle. When the gate Wardens on duty tried to stop the vehicle, they hit the gate of JCD Sirsa and fled. Strictt legal action should be taken against my son-in-law Rakesh and Narender sons of Kapur Singh and the above mentioned person."

3. Learned Counsel appearing on behalf of the petitioners contends that the wife of petitioner No.1-Rakesh Kumar had died as a result of Cardiac arrest whereafter the daughter of the petitioner No.1-Rakesh Kumar had been taken away by her maternal grand parents. The petitioner No.1 alongwith petitioner No.2 (his brother) had gone to meet his daughter, however, the instant FIR has been registered. He contends that the

injuries sustained by the complainant are simple in nature, hence, offence under Section 109 of the BNS is not made out.

4. Opposing the prayer made by the Counsel for the petitioner, learned State Counsel as well as the Counsel for the complainant contend that as a matter of fact, the petitioner No.1-Rakesh Kumar alongwith his brother-Narender made a forcible entry and attempted to kidnap the young daughter. They made an attempt to run over the car on the complainant. They hit the main gate and even the security guards standing at the gate and escaped from the spot. Hence, the attempt on the part of the respondents to run over anybody who came in their way of taking away the child was evident. The offence under Section 109 of the BNS, is hence fully made out. It is contended that the Police was immediately alarmed about the incident whereupon the child was recovered from the car. It shows that the petitioners had, in collusion, undertaken the entire exercise. The petition for regular bail thus deserves to be dismissed.

5. Responding to the above, Counsel for the petitioner contends that the car in question was being driven by Narender Kumar-brother of the petitioner and that he would not press the present petition for grant of regular bail on behalf of Narender Kumar who is driving the offending vehicle. He submits that insofar as the petitioner-Rakesh Kumar is concerned, he is in custody since 06.11.2025 and has already undergone an actual custody of more than 2 months. Besides, nothing is to be recovered from the petitioner. No overt act of causing any injury is attributable to the petitioner in the present case apart from being a co-passenger in the car alongwith his brother.

6. I have heard learned counsel appearing on behalf of the respective parties.

7. Considering that the **prayer for regular bail qua Narender Singh has not been pressed**, it is the issue solely with respect to the bail of petitioner No.1 Rakesh son of Kapoor Singh.

8. Taking into consideration the period of custody already undergone, the multiple civil as criminal disputes between the parties, the nature of attribution, the period of custody and also the contending circumstances, I deem it appropriate to allow the present petition with respect to **petitioner No.1-Rakesh** to release on regular bail to the satisfaction of the trial Court.

9. The instant petition is allowed and the **petitioner No.1-Rakesh** is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

JANUARY 16, 2026

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No