



CRM-M-17104-2025

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

**CRM-M-17104-2025
Reserved on : 09.04.2025
Pronounced on: 28.04.2025**

PARVEEN BANSAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:Mr. Parvesh Jaglan, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|--------------------------------|-------------------------------------------------------|
| 62 | 14.03.2025 | Narwana City, District Jind | 121(1), 132, 190, 191(2), 221, 324(4) of BNS, 2023 |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 4 of the bail application and para 7 of the reply, the accused-petitioner has clean antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“xxx xxx xxx xxx

That from the perusal of case file transpires that the present case FIR No. 62 dated 14.03.2025 u/s 121(1), 132,190,191(2), 221,324(4)of BNS, 2023 Police Station Narwana City, District Jind, on the complaint of P/SI Chander Pal, Incharge, Police Post HUDA, Narwana with the allegations that on 14.03.2025, he (PSI Chander Pal) alongwith ASI Sukhwinder Singh No.528, Constable Anil Kumar No.149 and HGH Amit Kumar No.300 was present near Bus Stand, Narwana in government vehicle no.HR-31-GV-6849 with driver HKRN Ramesh Kumar in connection with crime patrolling duty alongwith laptop and printer. On the occasion of Holi Festival, 7/8



young boys, under the influence of liquor, were throwing stones on vehicles and quarrelling in front of Bus Stand on Khanori to Jind road. On which PSI alongwith other police officials reached on the spot in government vehicle. After making them understood when PSI was moving from spot in government vehicle, suddenly all of them attacked on government vehicle and police party with bricks. Upon which back side mirror and red light of government vehicle were broken and Anil Kumar No.149 sitting on rear seat suffered injuries on hand. Then PSI Chander Pal enlightened from government vehicle, with the help of other police officials apprehended two accused persons and asked their name and address. First accused disclosed his name as Ankit @ Goli s/o Sh. Ashok r/o Gali No.5, Dharm Singh Colony, Narwana and Second accused disclosed his name as Lakshay s/o Sh. Rajkumar @ Raju r/o Chopra Patti, Narwana. When he asked about other accused persons, then they said that we had come to our friend Parveen & Bina s/o Prem Chand r/o Ram Nagar, Narwana and 5/6 unknown boys were also there. Whose name and address were not known to them. Their friend Parveen @ Bina can tell about them. Prayer was made for taking legal action against accused persons. (Annexure P-1).”

4. Counsel for the petitioner prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence prescribed more than 03 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his 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:

“xxx xxx xxx xxx

That so far as role of the petitioner is concerned, in this regard it is submitted that during the course of investigation of the case, it has been surfaced that on 14.03.2025, on the occasion of Holi festival, the petitioner along with other co-accused, in furtherance of their common object, in public place, under the influence of liquor, had thrown bricks on the Govt. vehicle, pursuant to which back side mirror and red light of govt. vehicle were broken and Constable Anil Kumar No.149 while sitting on rear seat suffered injuries on hand. The petitioner is not by name accused in this case and his name has been appeared from the disclosure statement of co-accused Ankit alias Goli son of Ashok, resident of Dharam Singh Colony, Narwana



and Lakshay son of Raj Kumar, resident of Chopra Patti, Narwana (Annexure R-2 and R-3). During the course of investigation of the case, CCTV footage of the incident was procured and analyzed in which the petitioner-accused has been appearing in the video while throwing brick as well as while having beer bottle in his hand. Therefore, considering the nature and gravity of offence committed by the petitioner-accused, he is not entitled to be released on anticipatory bail.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime however, given the nature of allegations, this is not a case to deny bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. 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) | |

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

12. *The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator.* The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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

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

16. 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.



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

28.04.2025

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(ANOOP CHITKARA)
JUDGE

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