



CRM-M-23576-2025 (O&M)

123

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

CRM-M-23576-2025 (O&M)

Date of Decision: 19.05.2025

Afsar Ali

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Goel, Advocate
for the petitioner (through V.C.).

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.CRM-20151-2025

Allowed as prayed for. Main case is taken on Board today itself.

Main case

FIR No.	Dated	Police Station	Sections
295	20.09.2024	Murthal, District Sonipat	406, 420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To. The Commissioner of Police Sonipat District Sonipat. Rajiv Gandhi Education City Rai. Subject: Legal proceedings to be initiated against Afsar Ali son of Ilyas resident of F0-355, Garima Garden, Ghaziabad, Uttar Pradesh and 773/1, near Park Jatwada, Sonapat, Haryana, Mobile No. 9643276770, 8826276770 Sir, it is humbly requested that I Rajesh son of Sh. Jagbir am a resident of village Kabirpur, Sonapat, Haryana, resident of Rajesh son of Shri Jagbir, and hereby humbly request you that 1. That I am a permanent resident of the above address and am a peace loving and law abiding citizen of India and I work as sale purchase in the name of Pappi Tyre Car Motors near Sai Baba Temple. 2. That I became friend with Hanni who has a factory in Rai Industrial Area was my friend. The

CRM-M-23576-2025 (O&M)

above-mentioned Afsar Ali used to visit him, so I also became friends with him. Afsar Ali said that have to go to my relative, so you give your XUV-700 whose registration number is HR12-AS-9739 to me for 2-3 days to me and I after coming back from my relative will hand over your car back to you. When he took my car from me we were having dinner at Mannat Haveli and I gave him my above car. Then I told him after 2-3 days that you return my car back to me as you have you have returned from your relative but he did not give me my car despite my repeated requests. Then I came to know that Afsar Ali has registered my aforesaid car in his name by preparing fake documents at the address of Jatwade whose number is HR-12AS-9739. When I asked him why have you transferred my car in your name, he said to me that he is a goon of U.P. and if you will again demand your car to be returned from me then we will kill you and your body will not be found out. I said that either give my car to me or give the money of my car then he deposited only Rs One Lakh in my account and said that now I do not have more money to give to you 3. That I gave a complaint in this regard on 19.03.2024 at Police Station Murthal. On which no action has been taken yet. Therefore, it is a request to you that keeping the above facts in mind, strict legal action should be taken by filing a case against the above Afsar Ali and my life and property should be protected from the above Afsar Ali and justice should be given to me. You will be very grateful. Sd/- Rajesh Complainant.”

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 on instructions.

6. Counsel for the petitioner submits that the petitioner has already paid the entire amount concerning to the car dealing and has annexed receipt Annexure P-3. Thus, no ground is made out to deny him bail.

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. Per paragraph 3 of the bail petition, the petitioner has been in custody since 07.03.2025. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, amount already paid and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. 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 bail in the FIR captioned above subject to furnishing bonds

CRM-M-23576-2025 (O&M)

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.

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 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.

13. 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.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

19.05.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.