

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

CRM-M-57538-2024  
Reserved on: 17.03.2025  
Pronounced on: 28.03.2025

Sandeep Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhal Singh Beniwal, Advocate  
for the petitioner.

Ms. Trishanjali Sharma, D.A.G., Haryana.

Mr. Sanchit Punia, Advocate  
for the complainant.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
341	28.08.2024	Agroha, District Hisar	115, 140(3), 3(5), 351(2) BNS (Section 117(2) BNS added later on)

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. In paragraph 4 of the bail petition, the accused declares that he has no criminal antecedents.

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

*“3. That the brief facts of the case are that on dated 27.08.2024, online rukka received in police station Agroha that Ramesh son of Om Parkash was admitted in MAMC, Agroha on account of injuries received by him in a quarrel. HC Subhash no.1418 along with other police officials reached MAMC, Agroha and obtained the MLR of injured Ramesh from the duty doctor, an application was moved to the duty doctor for recording the statement of injured, upon which the patient declared unfit for statement. On dated 28.08.2024 HC Subhash along with police officials reached before duty doctor and obtained*

*written opinion, upon which the patient declared fit for making a statement, recorded the statement of Ramesh. He stated in his statement that he was having a furniture shop in front of Agroha police station. On dated 26.08.2024, he along with his friend Subhash son of Lilu Ram at about 11:30 PM were coming from Sabarwaas in the vehicle of Subhash and when their vehicle reached in the fields situated in the back of flats of the Thermal Power Plant in Agroha, it got punctured. Then Subhash got down from the car and started changing the tyre. He remained sitting inside the car. After some time, a bullet and a platinum bike came there and both the bikes overtook their car. After some time, a white coloured 1-20 car bearing registration no. HR-20AA-7473 came and stopped near our car, out of which Kuldeep alias BP r/o Kuleri (present petitioner/accused), Narender alias Kala son of Umed Singh r/o Agroha and Pardeep alis Baba r/o Kuleri having iron rods alighted and they gave rod blow on the head of his friend Subhash, upon which Subhash fell on the ground. After hearing noise, he got down from the car and asked Kuldeep, Narender, Pardeep what happened, all of them said that there is nothing wrong, sit quietly in the car, when he refused to sit in the car then Narender alias Kala hit rod on his head and made him sit in the car, they took the car on a kacha road, Kuldeep (petitioner/accused) said that he had to do one thing, that they want Rs 2 lakh. When he refused to give the money, all three of them beat him with the iron rods in their hands. After some time four unknown boys came there on a bullet or platinum bike with wooden sticks in their hands. Then all of them dragged him to a nearby field and all of them beat him and said that if he did not give the money, they would kill him. Kuldeep alias BP (petitioner/accused) attacked upon his right leg several times, Narender alias Kala attacked upon his left leg with an iron rod several times and Pardeep alias Baba attacked upon his both legs with sua and other four unknown boys attacked upon his back and chest with danda. Thereafter Kuldeep (petitioner/accused) hit an iron rod on his mouth, upon which his teeth broke. Thereafter, Kuldeep (petitioner/accused) took a wooden danda from his vehicle and told that he was alive or had passed away. Then all of them left me on the ground and fled from the spot. Then he became unconscious. At about 6:00 AM, his brother Shishpal reached the spot and after arranging the vehicle admitted him to MAMC, Agroha where he got treated. A prayer was made for taking action against the accused. On the basis of the above statement, FIR No. 341 dated 28.08.2024 under sections 115, 140(3), 3(5), 351(2) of BNS was registered at Police Station Agroha, District Hisar. Copy of MLR is annexed as Annexure R-1.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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:

*“4. That after registration of FIR, a fair and impartial investigation was carried out by the local police and during investigation statements of witnesses u/s 161 Cr.P.C. were recorded. During investigation no evidence regarding the allegation of demanding of money was found in this case which will be verified during further investigation. During the investigation dated 29.08.2024 the spot was inspected with Shishpal resident of Kuleri village of District Hisar and a map was prepared. On dated 12.09.2024, BHT of victim was obtained from the doctor and opinion regarding injuries was sought from the doctor in which doctor opined that "injury no. 1, 3, 4, 5 and 10 are grievous in nature rest injuries 2, 6, 7, 9, 8 and 9 are simple in nature." Thereafter section 117(2) of BNS was invoked in this case. Copy of opinion of doctor is annexed as Annexure R-2.”*

REASONING:

7. Thus, even the investigation did not find statement of the complainant truthful regarding the payment of money. There is no motive for the petitioner to contact him. It means that the complainant did not inform the police the true story or did not approach the justice delivery system with clean hands. Once the complainant was hiding the truth and did not reveal the motive, it is highly improbable to curtail liberty of the petitioner at this stage without affording him opportunity to cross-examine the victim and establish his case. Thus, in the entirety of facts and circumstances of the case more particularly given the doubt in the statement made by the complainant regarding payment of money and absence of motive.

8. 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.

9. 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.

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.

CONDITIONS:

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 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.

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. 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.

14. 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.

15. 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.

16. **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 have the liberty to cancel this bail.**

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

CRM-M-57538-2024

18. 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.

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

(ANOOP CHITKARA)  
JUDGE

28.03.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.