

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25843-2025
Reserved on: 01.08.2025
Pronounced on: 13.08.2025

Narender @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Jyotsna Saini, Advocate for
Mr. Parmod Parmar, Advocate,
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
341	28.08.2024	Agroha, District Hisar	115, 117(2), 351(2), 140(3), 3(5) 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. As per paragraph 14 of the bail application and as per paragraph 7 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	132	19.02.2022	21-B of NDPS Act	City Hansi, Police Distt. Hansi
2.	258	24.06.2022	147, 149, 323, 341, 325, 506, 120 IPC and SC/ST Act	Agroha, District Hisar
3.	541	07.11.2023	323, 506, 34 IPC and SC/ST Act	Agroha, District Hisar
4.	562	17.11.2023	323, 506, 34 IPC and 25(1-B) of Arms Act	Agroha, District Hisar

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

“That the brief facts of the case are that on 27.08.2024, an online Rukka was received at Police Station Agroha, reporting that Ramesh, Son of Om Parkash, had been admitted to MAMC (Maharaja Agrasen Medical College), Agroha, due to injuries sustained in a quarrel. Consequently, HC Subhash (No.1418), accompanied by other police officials, proceeded to MAMC, Agroha, where they obtained the Medico-Legal Report (MLR) of

the injured Ramesh from the duty doctor. An application was submitted to the duty doctor for recording the statement of the injured; however, the patient was declared unfit for making a statement at that time. On 28.08.2024, HC Subhash, along with other police officials, revisited the duty doctor and obtained a written opinion declaring the patient fit to give a statement. Accordingly, the statement of Ramesh was recorded. In his statement, Ramesh stated that he owns a furniture shop located in front of Aroha Police Station. He further stated that on 26.08.2024, at approximately 11:30 PM, he was returning from Sabarwaas in the vehicle of his friend, Subhash, son of Lilu Ram. As they were traveling, their vehicle suffered a puncture near the fields behind the flats of the Thermal Power Plant in Agroha. Subhash exited the vehicle to change the tire while Ramesh remained seated inside. Shortly thereafter, a Bullet and a Platinum motorcycle passed their car. Subsequently, a white-colored Hyundai i20, bearing registration number HR-20AA-7473, approached and stopped near their vehicle. Three individuals, namely petitioner/accused Narender alias Kala (son of Umed Singh, resident of Agroha), co-accused Kuldeep alias BP (resident of Kuleri), and Pardeep alias Baba (resident of Kuleri), alighted from the said vehicle, armed with iron rods. They assaulted Subhash, striking him on the head, causing him to fall to the ground. Upon hearing the commotion, Ramesh exited the vehicle and inquired about the situation. The assailants instructed him to remain seated in the car. When he refused, petitioner/accused Narender alias Kala struck him on the head with an iron rod and forcibly made him sit inside the vehicle. Subsequently, they drove the vehicle onto a kachha road, where Kuldeep (co-accused) stated that they required a sum of Rs.2,00,000. Upon Ramesh's refusal to comply, all three accused assaulted him with iron rods. Shortly thereafter, four unidentified individuals arrived on a Bullet or Platinum motorcycle, carrying wooden sticks. These individuals, along with the previously named accused, dragged Ramesh to a nearby field and continued to assault him, warning him that failure to pay the demanded amount would result in his death. During the assault, Kuldeep alias BP (co-accused) repeatedly struck Ramesh's right leg with an iron rod, while petitioner/accused Narender alias Kala inflicted multiple blows on his left leg. Pardeep alias Baba (petitioner/accused) attacked both of Ramesh's legs with a sharp instrument (sua), and the four unidentified individuals struck his back and chest with wooden sticks (dandas). Thereafter, Kuldeep (co-accused) struck Ramesh's mouth with an iron rod, causing the breakage of his teeth. Following this, Kuldeep retrieved a wooden danda from his vehicle and examined Ramesh to determine whether he was still alive. The assailants then abandoned Ramesh at the scene and fled. Ramesh lost consciousness, and at approximately 6:00 AM, his brother, Shishpal, arrived at the location. After arranging for a vehicle, he transported Ramesh to MAMC, Agroha, where he received medical treatment. Accordingly, a request was made for legal action against the accused persons. Based on the aforementioned statement, an FIR bearing No. 341, dated 28.08.2024, was registered at Police Station Agroha, District Hisar, under Sections 115, 140(3), 3(5), and 351(2) of the Bharatiya Nyaya Sanhita (BNS). A copy of the MLR is annexed herewith 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 his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the

petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“8. xxx xxx

H. The role of the petitioner.

That with respect to the role of the petitioner/accused, it is respectfully submitted that the allegations levelled against him are of a serious nature. It is alleged that the petitioner, along with the co-accused, first kidnapped the complainant on 26.08.2024 from a location near the Thermal Power Plant, Agroha, in an i20 car bearing registration number HR-20AA-7443. Thereafter, the complainant was brutally assaulted by the assailants using an iron rod and wooden sticks. The complainant was forcibly taken to the fields, where he was again subjected to a severe beating and was left unconscious. Subsequently, on the morning of 27.08.2024, injured's brother, Shishpal, arrived at the spot and transported him to Maharaja Agrasen Medical College (MAMC), Agroha, for medical treatment. The medical examination revealed as many as ten injuries on the body of the complainant, which corroborate the version stated in the First Information Report (FIR). The petitioner/accused has been named as the principal perpetrator in the FIR and is specifically alleged to have used the iron rod in the said assault, which is yet to be recovered from him.”

REASONING:

8. The allegations against the petitioner are that he along with co-accused kidnap the victim for ransom, demanded Rs.2 lakhs and they inflicted multiple injuries and due to injuries, the victim remained admitted in the hospital for 15 days. As per the status report, the iron rod was used by the petitioner in the crime, which is yet to be recovered from the petitioner and four more criminal cases are pending against the petitioner, as such, he is not entitled to bail.

9. The petitioner acted with cruelty which is corroborated with the nature of injuries.

10. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

13. **Petition dismissed.** Interim order dated 13.05.2025 is recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

13.08.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.