



CRM-M-62347-2024

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

CRM-M-62347-2024  
Date of Decision: 16.05.2025

Reena @ Reena Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narinder S. Lucky, Advocate  
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
420	15.11.2024	115/127(2)/304/308(6)/351(3)/ 61 of BNS	Bhuna, Tehsil and District Fatehabad

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 11 of the bail petition, the accused declares that he has no criminal antecedents; however, per paragraph 10 of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	390	16.08.2021	389/384/34 IPC	City Fatehabad

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

*“To SHO, Police Station Bhuna, Subject- Complaint for taking legal action. Respected Sir, I request that I Sanjay Kumar son of Harish Kumar, resident of Ward No. 11 Bhuna. Yesterday on 14-11-2024 I had come to Bhuna market for some work and I knew Kavita resident of Bhuna for a long time. I had talked to Kavita on her mobile number whose number I do not remember. That Kavita told me to come to her house and bring three beers. At around 8 pm, I went to her house with three bottles of beer. I met Kavita and another woman whose name*



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*and address are not known and we three sat and drank beer. That the Kavita took me to her neighbor house and at that time that unknown lady also came in the room and Kavita told me that her name is Manju and told me that she has been called specially from Hisar on saying this, under some conspiracy, Kavita went outside the room and Manju undressed herself and I also undressed myself and at that To SHO, Police Station Bhuna, Subject- Complaint for taking legal action. Respected Sir, I request that I Sanjay Kumar son of Harish Kumar, resident of Ward No. 11 Bhuna. Yesterday on 14-11-2024 I had come to Bhuna market for some work and I knew Kavita resident of Bhuna for a long time. I had talked to Kavita on her mobile number whose number I do not remember. That Kavita told me to come to her house and bring three beers. At around 8 pm, I went to her house with three bottles of beer. I met Kavita and another woman whose name and address are not known and we three sat and drank beer. That the Kavita took me to her neighbor house and at that time that unknown lady also came in the room and Kavita told me that her name is Manju and told me that she has been called specially from Hisar on saying this, under some conspiracy, Kavita went outside the room and Manju undressed herself and I also undressed myself and at that time one boy named Sonu @ Arjun came to room after opening the gate and he made video of me and Manju and Kavita, Sonu @Arjun and Reena gave beatings to me and confined me in the room and started demanding Rs.5 lacs by giving threats for lodging case U/s 376 and keep on beating me and also gave threat to life. Kavita took out keys of the motorcycle from the pocket of my Pants and kept me hostage entire night. I do not know the complete name and address of Sonu, Reena and Manju. Kavita, Sonu, Reena and Manju under calculated Conspiracy made my video with Manju and gave me beatings by giving threat to Lodge FIR U/s 376 and today morning Sonu and Reena went away after snatched my mobile Phone and after giving excuse to Kavita for arranging money, with great difficulty, I came to you along with my family. Legal action may be taken against Kavita and others. Date 15.11.2024 Sd/- Sanjay Kumar Sanjay Kumar son of Harish Kumar resident of Ward No. 11, Bhuna, Mobile number 94169-30784. Today at Police Station on the receipt of Complaint case FIR No. 420 dated 15.11.24 under sections 308(6), 127(2), 351(3), 61(2), 115, 304 BNS Police Station Bhuna is registered and after typing copy of the report on computer, same will be sent to the Ilaqa Magistrate and senior officers. Sd/-Ravinder Duty officer.”*

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:



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*“13. That as far as specific role of the petitioner/accused is concerned the petitioner/accused is part of criminal conspiracy hatched alongwith other co-accused persons and is specifically named in the FIR. The petitioner/accused alongwith co-accused trapped the complainant and after making his obscene video threatened him to gave Rs.5 Lakhs and kept him locked in room entire night.”*

7. Allegations against the petitioner are that she has snatched one mobile phone which has already been recovered from co-accused. 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.

9. 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.

10. 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.

11. 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)	

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



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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. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

15. 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.



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16. 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.

17. **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.**

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

19. 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.

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

(ANOOP CHITKARA)  
JUDGE

16.05.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.