



CRM-M-49798-2024

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279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49798-2024
Date of decision: 19.05.2025

NARESH KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Sarun Hans, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
219	22.06.2024	Tosham, Bhiwani	406/420/120-B IPC

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. Vide order dated 12.12.2024, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the translated version of FIR (Annexure P-1), which reads as follows:

"xxx xxx xxx xxx

It is requested that I am Rajkumar son of Mange Ram, resident of Dhani Mahu. I have a tractor HR 48C2492, of which I am the owner. About 4 months ago, through Dalveer son of Ramnarayan resident of Dhani Shyamiyan Sungarpur, who is my farm neighbour; through him Naresh son of Ramkaran of village Chaubara came to me. Naresh said that I will take Dalveer's tractor and my tractor on rent He and will set it in Panipat. I and Rakesh son of Shivdayal of village Khairampur, Tehsil Adampur will set up the tractor in Panipat thermal plant. Give the tractor on rent and will pay Rs. 45,000 rent every month. We both gave tractor on the rent. Dalveer's tractor was returned due to its breakdown and Naresh took away my tractor. I lodged a complaint at Police Station Tosham and when we went to village Chaubara, there Naresh's Sunil, sister Sunita and wife Shakuntala do farming with our tractor. They drove us away from



there. These three women are eating the earnings of my tractor. Naresh, Ramesh and His family fraudulently took away my tractor. Legal action should be taken against them. They sold my tractor to Ajay Shamli, UP and parked it there and prepared false documents. SD RAJKUMAR Rajkumar son of Mange Ram resident of Dhani Mahu MOB 9671573892 Police action: Today I am present at the police station gate along with constable Sukhbir 267, that after verification it was found that the crime has been committed under sections 406,420,120B of the IPC. Hence a written complaint for the regular case is in the hands of constable Sukhbir 267, FIR number be informed. Today Police Station Gate SD Virendra SI PS TOSHAM DT 21.06.2024 AT 11.10 PM Today, at police station, constable Sukhbir 267 has been arrived with complaint, on receipt of the complaint, case no. 219 dated 21.06.2024 under sections 406,420,120B IPC, Police Station Tosham has been registered and after giving the copy of the original complaint to the police, same is being sending to Investigating Officer and copies of the FIR will be sent to the service of Area Magistrate and higher officers. This case is being registered in the presence of SI Pradeep 123."

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel submits that the petitioner had join investigation.

REASONING:

6. FIR relates to the year June, 2024, matter relates to theft of tractor and forging of documents. Tractor is a registered vehicle which can be recovered. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

8. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the



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Indian Evidence Act. 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.

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

10. **Petition allowed** in terms mentioned above. Interim order is made absolute. All pending applications, if any, stand disposed of.

19.05.2025
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(ANOOP CHITKARA)
JUDGE

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