

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19716-2025
Reserved on: 07.05.2025
Pronounced on: 16.05.2025

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
19	10.02.2025	Chhainsa Faridabad, Distt. Faridabad	115, 109(1), 287, 351(2), 61(2), 3(5) of BNS

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 13 of the bail petition and as per paragraph 10 (viii) of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	20	10.02.2025	115(2), 121(1), 132, 221, 3(5) of BNS	Chhainsa, Faridabad, Distt. Faridabad
2.	16	05.02.2025	115, 117(2), 3(5), 351(2) of BNS	Chhainsa, Faridabad, Distt. Faridabad

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

“3. That the brief facts of the present case are that on 10.02.2025, a complaint was submitted by Rajiv alleging therein that he has three brothers namely Daya Nand, Sarda Nand and Rambabu and that he was having a land measuring 650 Sq. Yds. near Cooperative Bank, Jawa-Palwal Road in which he was running saw machine and also having constructed portion for residence and shop. All four brothers are residing separately as the land has been partitioned between them by their father. Two months back, there was shortage of money at home and therefore, his father had entered into agreement to sell the land of the complainant with Subhash for total sale consideration of Rs.14,00,000/- and thereafter, he went from the home for work. However, in his absence, his brother namely

Rambabu alongwith family members thrown his father out from his house and took possession of his house. On 10.02.2025 at about 12:00 PM, the complainant alongwith his father, wife Aarti, sister Kavita, mother-in-law Santosh and his children went to village Jawa and found that his brother Rambabu was in possession over his portion of land/house and exit adjoining to passage was obstructed. On asking from Rambabu about taking possession over his house, his brother Rambabu alongwith Harshit (Rambabu's son) and Rajesh (Rambabu's wife) in a pre-planned manner started throwing bricks, stones and inflammable substance in glass bottles towards them and burn injuries were received by his nephews Anmol, Sagar and injuries from stones were also received by him and his wife. In self defence, they also thrown bricks and stones towards Rambabu. The information was given to police through Dial-112 and police reached there but they kept on throwing stones, bricks and inflammable substances in glass bottles towards them. On enquiring at his own level, he came to know that this conspiracy was hatched by Bhanu Parkash, Kuldeep alongwith his brother namely Rambabu. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No. 19 dated 10.02.2025 u/s 115(2), 109, 287, 351(2), 61(2), 3(5) BNS was registered at P.S. Chhainsa, Faridabad.”

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 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 reads as follows:

“10. (vi) That the role of the petitioner Rajesh in the present case is that she had thrown the wood pieces and brick stones. She had also threatened the victims to kill them. Thus, the petitioner was actively involved in the present crime. The petitioner is by name accused in the present FIR.

(vii) That at present, the evidence against the petitioner is that she has been named in the present FIR and further, she has admitted her guilty in her disclosure statement which is already attached as Annexure R-1.”

REASONING:

7. Dispute between the parties is qua a plot possession. Petitioner has no weapon, however, allegations are that she threw inflammable substance in planned manner towards the victim, petitioner is a woman, as such, no ground is made out to deny her

bail.

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. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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. This order is subject to the petitioner's complying with the following terms.

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. 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.

15. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. 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.

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 be at 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-II**

Whether speaking/reasoned: Yes
Whether reportable: No.