



CRM-M-53968-2025 (O&M) &
CRM-M-59366-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Judgment reserved on: November 06, 2025

Judgment pronounced on: November 12, 2025

1. CRM-M-53968-2025 (O&M)

Harish

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M-59366-2025 (O&M)

Moinddin @ Moin @ Muinuddin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT:

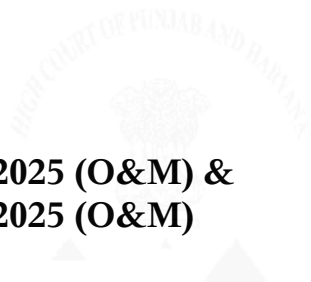
For the Petitioner(s): Mr. Gautam Dutt, Senior Advocate with
Mr. Saurabh Sharma, Advocate
(in CRM-M-59366-2025)

Mr. Raja Sharma, Advocate
(in CRM-M-53968-2025)

For the Respondent: Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J.

1. This common order would decide two petitions, namely, CRM-M-53968-2025 and CRM-M-59366-2025, which have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner(s), during the pendency of trial, who have been booked



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in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harish, aged 43 years (in CRM-M-53968-2025) [2nd bail petition] Moinddin @ Moin @ Muinuddin, aged about 29 years (in CRM-M-59366-2025) [2 nd bail petition]	94	27.05.2022	365 & 34 IPC [Sections 364-A, 420, 506, 120-B, 109 and 412 IPC, and Section 25 of the Arms Act, 1959 added later on]	City Tauru	Nuh

2. First bail petition, i.e. CRM-M-4166-2024, filed by petitioner – Harish, was dismissed as withdrawn, vide order dated 22.05.2024, passed by the Co-ordinate Bench of this Court (Annexure P-3 attached with CRM-M-53968-2025). Similarly, first bail petition, i.e. CRM-M-3179-2023, filed by petitioner – Moinddin @ Moin @ Muinuddin, was also dismissed as withdrawn, vide order dated 27.02.2023, passed by the Co-ordinate Bench of this Court.
3. Brief facts of the case are that complainant – Hasam got registered the FIR (supra) regarding kidnapping of his son – Imran, then aged about 10 years, by three persons, who arrived at the spot of incident in a Wagon-R car. Relevant translated version of the FIR (supra) reads as under:-



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“.....I, Hasam son of Rishal, am resident of Ward No. 02 Vijay Nagar, Tauru. I have set up a chemical factory in Gudha village. I have five children. Today at around 02.30 – 03.30 p.m., my son Imran was playing on his bicycle in the sector. Along with him, Rihaan son of Mehboob, resident of Tauru and two-three other children were also riding bicycles when a Wagon-R car, Chocolate colour, came in sector and two men wearing masks on their faces got down from the WagonR and forcibly kidnapped the boy Imran and put him in the WagonR and there was one more man sitting in the WagonR. I was in the factory at that time and on getting the information, I reached my home and then reached the spot and have made myself fully satisfied that some unknown persons, whose names and addresses are not known, have kidnapped my son Imran and took him in a WagonR car. After taking legal action against them, my son Imran, who is aged about 10 years, be got released from the clutches of the kidnappers, and his custody may be handed over to me and justice be done to me. Thanking you.”

4. Mr. Gautam Dutt, learned Senior Advocate, argued that in the FIR, names of none of the accused persons is mentioned, and even during investigation it has been found that the alleged ransom amount of Rs.25,00,000/- was demanded by the co-accused Sahil on the mobile numbers of complainant – Hasam. After investigation, final report was submitted on 25.08.2022, without there being much progress in the trial thereafter. It is also argued that kidnapped child was not caused any harm or injury in any manner, and as per the case of the prosecution he was recovered hail and hearty.



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Further argued that as per the FIR the child was kidnapped on 27.05.2022, at about 02.30 – 03.30 p.m., but the application/complaint in regard to registration of the FIR was moved by the complainant – Hasam at about 08.15 p.m.. Meaning thereby there is delay of about five hours in registration of the FIR. It is also argued that initially FIR was registered only under Sections 365 and 34 IPC, but subsequently story of demand of ransom is added, and resultantly other penal Sections 364-A, 420, 506, 120-B, 109 and 412 of IPC, and Section 25 of the Arms Act were also added, making the offence more serious. However, no other active and serious role is found, having played by any of the petitioner(s) mentioned hereabove.

Learned Senior counsel also argued that authenticity of the version of the FIR is yet to be established during trial proceedings, and one fact that cannot be ignored is that child is not shown to be recovered from the custody of any of the alleged accused, rather he was recovered next day morning, i.e. on 28.05.2022, from near Mewat Model School, Tauru. Additionally, it is also pointed out that the material witnesses have already been examined, which are full of contradictions. It is also to be concluded whether the child has deposed a true version or tutored one.

Lastly submitted that there is long list of total 28 prosecution witnesses and conclusion of trial is likely to take sufficient time. Petitioner – Moinddin @ Moin @ Muinuddin is inside jail since 28.05.2022 i.e. for the last 03 years and more than 05 months. Thus, prays for grant of bail.

5. In the bail petition of petitioner – Harish also, the arguments addressed by Mr. Gautam Dutt, Senior Advocate, were almost reiterated by Mr. Raja Sharma, Advocate. Additionally, he submitted that co-accused



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Rakib, against whom the only attribution is that he had supplied the weapon to the other co-accused, has already been granted bail by the Co-ordinate Bench of this Court, vide order dated 18.08.2023, passed in CRM-M-24986-2023 (Annexure P-5, attached with CRM-M-53968-2025).

Mr. Raja Sharma, learned counsel for the petitioner – Harish also referred to para No. 16 of the petition, i.e. CRM-M-53968-2025), wherein details of two criminal cases of robbery, under Section 392 IPC, registered against the petitioner – Harish has been given, and submitted that in both the cases petitioner – Harish has already been acquitted. Para No. 16 of CRM-M-53968-2025, reads as under:-

“16. That the petitioner has been acquitted in the alleged two cases of robbery. The detail of both the cases is mentioned below:-

- i.) FIR No. 328 dated 16.05.2022 under section 392 of IPC and u/s 27 of Arms Act registered at Police Station Bilaspur, Gurugram. The petitioner has been acquitted vide order dated 12.12.2024 passed by the ld. Judicial Magistrate Ist Class, Pataudi.*
- ii.) FIR No. 179 of 2022 under Section 392 of IPC registered at Police Station Chaupanki, District Bhiwandi (Rajasthan). The petitioner has been acquitted vide order dated 28.08.2024 passed by the ld. Additional CJM, Bhiwandi.”*

Further submitted that the complainant – Hasam has already been examined as PW-2 and Sahib, who is brother of the victim child Imran @ Danish, has also been examined as PW-4. Even examination-in-chief of the victim child was recorded on 23.07.2024. The petitioner – Harish is inside jail since 28.08.2022, i.e. for a period of 03 years and more than 02 months. Thus, prayed for grant of bail to the petitioner – Harish.



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6. On the other hand, learned State counsel filed the status report by way of affidavit of the Deputy Superintendent of Police, Tauru, dated 04.11.2025, in CRM-M-53968-2025, as well as separate custody certificates dated 05.11.2025 in both the petitions, which are taken on record. Registry to tag the same at appropriate place of the paper books.

In the said status report, almost complete investigation qua the petitioners herein has been detailed.

7. Referring to the status report, learned State counsel submits that during course of investigation, the police found that the persons, who came in the Wagon-R car, were accused, namely, Harish (petitioner in CRM-M-53968), Moinddin @ Moin @ Muinuddin (petitioner in CRM-M-59366-2025), Ajay and Sahil. The said accused had come in Wagon-R car, bearing Registration No. HR-96-A-2173, which was used in the crime of kidnapping the victim child, namely, Imran @ Danish.

Co-accused Sahil had made a WhatsApp call on Mobile Nos. 9812371786 and 9818187786 of complainant – Hasam, who is father of the kidnapped child Imran @ Danish, and demanded a ransom of Rs.25,00,000/-. Further, Hasam was asked to visit near the Subhash Chowk, for handing over the bag containing the ransom amount of Rs.25,00,000/-. Once the bag with demanded amount was handed over, kidnapped child Imran @ Danish was dropped by the accused persons on 28.05.2022, near Mewat Model School, Tauru.

8. It has been argued by the learned State counsel that during the course of investigation it was found that the accused had demanded ransom from Mobile No. 7340094845. Further explained that during investigation



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accused/petitioner(s) – Harish and Moinddin @ Moin @ Muinuddin alongwith co-accused Ajay got recovered Rs.5,50,000/- each and the amount was taken in police possession by preparing the recovery memos. Also submitted that the petitioner – Harish got recovered his Wagon-R car, bearing Registration No. HR-96-A-2173 alongwith documents. Due to affixing of fake number plate on the car with intention to cheat and kidnap the child, offences under Sections 420, 506, 120-B IPC were also added. Other factual aspects, what has been stated by the petitioners' counsel have also been elaborated, therefore, the same are not reiterated here again.

9. I have gone through both the petitions, status report filed in CRM-M-53968-2025, and the custody certificates dated 05.11.2025, filed qua both the accused/petitioners.

10. There is no dispute that complainant – Hasam has already been examined in the witness box. Examination-in-chief of the victim child Imran @ Danish was also recorded on 23.07.2024, i.e. more than 01 year and 03 months ago. Petitioner – Harish is inside jail since 28.08.2022, whereas petitioner – Moinddin @ Moin @ Muinuddin is lodged in jail since 28.05.2022. Long list of 28 prosecution witnesses is yet to be exhausted, and conclusion of the trial is likely to take considerable time.

11. From the custody certificate, dated 05.11.2025, of accused/petitioner - Moinddin @ Moin @ Muinuddin, it is noticed that he has completed incarceration period of about 03 years 05 months and 04 days inside jail. One more case, i.e. FIR No. 92 of 2022, under Section 302, 392, 201 and 34 IPC, is found registered against Moinddin @ Moin @ Muinuddin, at Police Station Sadar Tauru, Mewat, in which trial is in



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progress, therefore, till date he is not a declared convict in any criminal case.

As per the custody certificate, no other case is registered against him.

As per the custody certificate, dated 05.11.2025, of petitioner – Harish, he has also completed incarceration period of 03 years 05 months and 05 days. He is stated to be facing proceedings in two complaint cases filed under the Hindu Marriage Act, i.e. Complaint No. HMA/4/2024 and HMA/554/2023, which are pending in the Family Court at Palwal. Details of other criminal cases against accused Harish, as given in the custody certificate, are as under:-

Sr. No.	Description	Status of Case as per custody certificate	Remarks
1.	FIR No. 179/2022, date not mentioned, Sections not mentioned, Police Station Chopanki, Alwar	Pending. Bail granted vide order dated 17.06.2023	As per averment made in para No. 16 of the petition, already reproduced above, petitioner stands acquitted in this case, vide order dated 28.08.2024.
2.	FIR No. 2991/2022, date not mentioned, Sections not mentioned, Police Station not mentioned, Alwar	Concluded.	Petitioner stands acquitted , vide order dated 28.08.2024 by the Court of ACJM Bhiwari.
3.	FIR No. 238/2022, date not mentioned, under Section 392 IPC, Police Station Bilaspur, Gurugram [<i>in para No. 16 of the petition, already reproduced above, FIR No. has been mentioned as ‘328’</i>].	Concluded.	Petitioner stands acquitted , vide order dated 12.12.2024, by the Court of JMIC, Pataudi



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12. It is an admitted fact that the victim child – Imran @ Danish was not harmed in any manner and he was recovered on the very next day, i.e. 28.05.2022, in the morning. One of the co-accused, namely, Rakib, who has been attributed the role of supplying the weapon to the other co-accused, has already been granted bail by the Co-ordinate Bench of this Court, vide order dated 18.08.2023, passed in CRM-M-24986-2023. Moreover, liberty of the petitioners cannot be curtailed for indefinite period.

13. In view of the totality of circumstances, and the facts/allegations levelled against the petitioners, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to both the petitioners.

14. Consequently, prayer made in the present petitions is **allowed**. It is ordered that petitioner – Harish and petitioner – Moinddin @ Moin be released on bail, subject to furnishing bail/surety bonds by each one of them, to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if they are not required in any other case.

15. Needless to observe that the petitioner(s) shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Discussion recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, Trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.



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17. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

18. Petitions stand disposed of in the above terms.

19. Photocopy of this order be also placed on the file of CRM-M-59366-2025.

**(SANJAY VASHISTH)
JUDGE**

November 12, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**