

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11564-2025
Reserved on: 01.09.2025
Pronounced on: 12.09.2025

Sonu @ Vicky ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sauhard Singh, Advocate for the petitioner.

Mr. Atul Gaur, A.A.G, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
169	29.04.2024	Central Faridabad, District Faridabad (Haryana)	186, 353, 307, 34, 120-B IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 14 of the bail application and the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	554	2015	25/54/59 of Arms Act	City Bahadurgarh, Jhajjar
2.	317	2016	379 A, 392, 201, 34 IPC and 25/54/59 of Arms Act	Shivaji Colony, Rohtak
3.	179	2019	148, 149, 341, 427, 506 IPC	Shivaji Colony, Rohtak
4.	77	27.01.2022	148, 149, 323, 452, 392, 379-B IPC & 25/54/59 of Arms Act	Shivaji Colony, Rohtak
5.	232	2023	25/54/59 of Arms act	Special Cell, Delhi
6.	268	23.08.2023	302, 307, 148, 149, 201, 216, 120-B IPC & 25/54/59 of Arms Act	Beri Jhajjar
7.	212	2024	387 IPC	Bharat Nagar, West Delhi
8.	150	2024	25 of Arms Act	Special Cell, New Delhi
9.	142	2024	385, 387, 120 B IPC	Maurya Enclave, North West Delhi

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

11. That allegations in the present case are that, in furtherance of the crime and patrol duty necessary arrangements were made and District Courts Faridabad was put under surveillance by the police team. At about 11:30 a.m. on the said date, a Scorpio car bearing registration No. DL8CAC3952 was found near District Courts, which stopped as well in front of SI Parveen Yadav and his Team. A boy got down from that car and started walking, who was identified by the secret informant, to be the wanted criminal Dinesh of Village Ritholi Haryana. Secret informer was sent away and co-accused Dinesh was signaled to be apprehended and, nabbed by the police, who was asked to show his I-Card but instead of doing so, he shouted at his companions sitting in the car 'police-police' and asked Golu to run the car over the Police Team, who was approaching them from the front as well and the car was tried to be run over SI Vijender Diwach, HC Manish and Constable Parveen with intention to kill them but they had a miraculous escape and the driver of the Scorpio car, while causing damage to other cars parked nearby, absconded, while co-accused Dinesh was apprehended at the spot, was arrested in the present case, on being found in conscious possession of one pistol and four live cartridges.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their 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, 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 para 14 of the status report, which read as follows:

"14. That in the present case, car was tried to be run over SI Vijender Diwach, HC Manish and Constable Parveen with intention to kill them by

the accused persons but they had a miraculous escape and the driver of the Scorpio car, while causing damage to other cars parked nearby, absconded, while co-accused Dinesh was apprehended at the spot. Hence, none of the police official had received any injury, therefore, neither medico-legal examination of any police official was got conducted nor any of the police official remained admitted in any hospital. No injury has been attributed to the petitioner. On the basis of disclosure statement of co-accused Golu @ Bijender (Annexure P-3), petitioner/accused was, arrested in the present case. Since, the offence under Section 307 IPC is attracted in the present case.”

REASONING:

7. It Shall be appropriate to refer to paragraph 12 of the reply, which reads as follows:

“12. That role of the petitioner/accused is that, he actively participated in the commission of offence. He was very much present at the spot. On 12.09.2024 petitioner/accused was arrested in pursuance of disclosure statement of co-accused Golu @Bijender. He was already in custody in some other case and production warrants were issued against him. In pursuance of disclosure statement of petitioner/accused, countrymade pistol was also got recovered by him which further proves his involvement in the commission of offence. Petitioner/accused is a habitual offender as ten more criminal cases are already registered against him, out of which in one criminal case section 302 IPC is also attracted. Petitioner/accused is a member of Bhahu gang and said gang is indulged in commission of many heinous crimes. There are serious allegations against the petitioner/accused.”

8. The petitioner has a massive criminal antecedents and as per the investigation carried out till date, he appears to be a member of gangster group. However, the counsel for the petitioner, on instructions, has undertaken that without conceding and admitting the petitioners will reform and live like a decent human being and would not repeat the offence. This considering the petitioner’s criminal antecedents coupled with the assurance made by the petitioner counsel that in case the petitioner repeats the offence, he shall have no objection if not only this bill is cancelled but also the bails granted earlier are also cancelled. This Court is of the opinion that one more opportunity and rather final opportunity can be given to the petitioner to mend his ways and to course correct.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

10. Per paragraph 12 of the bail petition, the petitioner has been in custody since 12.09.2024. Per the custody certificate dated 28.08.2025, the petitioner's total custody in this FIR is 11 months and 17 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

12. Given the petitioner's custody, even the past criminal antecedents will not come in the petitioner's way of getting out on bail.

13. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

14. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

15. 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.

16. Given the 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 concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

17. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

18. 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)	

19. This order is subject to the petitioner's complying with the following terms.

20. 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.

21. Given the background of allegations against the petitioner, it becomes paramount to protect the 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the society; it would also restrain the accused from influencing the witnesses and repeating the offense.

22. 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."

23. 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.

24. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

25. This bail is conditional, with the foundational condition being 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, the State shall 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 as well as bail granted in other FIRs, and as per their discretion, they may cancel this bail.

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

27. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

12.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.