



CRM-M-25231-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25231-2025
Date of Decision: 14.05.2025

Pardeep Kumar @ Kalu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Sindher, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
406	22.12.2023	Nissing, District Karnal	148, 149, 323, 324, 308, 379-B, 427, 452 & 506 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“To S.H.O. Police Station Nissing, Karnal. Subject: Regarding registration of F.I.R. Sir, it is respectfully submitted that on 19.12.2023 time about 8:25-30 I was with my cousin at Power Zone Gym at Gullarpur Road. Then Deepak Lot son of Suresh, Sethi, Ajay son of Shyam Lal, Aryan son of Mahender @ Baba Caste Khani, Rocky son of Shyam Lal, Ravi who all were carrying Gandasi, sword, Farse in their hands and 26-27 boys lassed with weapons entered in the Gym under their leadership: Rohit @ Rohta, Sethi, Deepak, Kalu, Chanderkant with intention to kill Sonu attacked with sharp edged weapons. Ravi, Ajay, Rocky, Aryan also attacked upon Rahul with sharp edged weapons. Deepak Lot has kept hidden pistol on his waist. Rohit @ Rohta and Deepak Lota were speaking loudly in the Gym



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to these boys to vandalize, on which the remaining boys, out of which some of them have covered their face, destroyed all the Gym and took away Rs.50,800/- and CCTV and DVR. Sethi, Aryan, Sahil Singha brother-in-law of Sethi of Ghraunda and others were involved in destroying & Dacoity and issued threat to kill. The other people who were doing Gym, out of them mobile of some were snatched by Rocky and other boys. Deepak Lot and other raised Lalkara that issued threat that if anybody become witness or will help them, then we will not leave him alive. While leaving the above accused told that this is only lesson and if now run Gym without accompanying us, then lost your lives. Aryan and others damaged all the bikes standing outside the Gym with their weapons and by displaying weapons in open went away. Out of them the most of accused are of Balmiki Basti Nissing. I know them personally, they all are criminal type of persons and have old criminal record. They have political shelter, therefore their criminality prevails in the town. They are involved in all type of crimes. They earlier also issued threat many times to kill and threat to close the Gym, upon which application was given of quarrel. Protection be given to us and strict action be taken against the accused"

4. The petitioner's counsel has referred to Annexures P-2 to P-5 annexed with the bail petition, vide which, bail has been granted to the co-accused, as such, he also seeks bail on the ground of parity with co-accused.

5. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any, shall not enter the property of the complainant/victim and in case, petitioner repeats the offence, where the sentence is prescribed 07 years or more, the State shall may an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State's counsel opposes bail on instructions.

REASONING:

7. The co-accused has already been granted bail by this Court vide order dated 19.12.2024 passed in CRM-M-47318-2024, CRM-M-44186-2024, CRM-M-46495-2024 and CRM-M-47224-2024, vide Annexures P-2 to P-5 respectively, as such, the petitioner is also entitled to bail on the ground of parity with his co-accused.

8. 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. As per paragraph 6 of the bail petition, the petitioner has been in custody since 05.01.2024. As per the custody certificate dated 13.05.2025, the petitioner’s total custody in this FIR is 01 year, 04 months and 08 days. Given 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 for further 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.

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 concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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 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.

14. 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.

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 (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. 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."

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



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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

14.05.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.