

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-56313-2024  
Reserved on: 03.02.2025  
Pronounced on: 07.02.2025

Talim @ Bhola ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pardeep Chhoker, Advocate  
for the petitioner.  
  
Mr. Aashish Bishnoi, D.A.G., Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                 | Sections                                                                                                               |
|---------|------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 440     | 09.09.2018 | Model Town,<br>District Rewari | 307, 353, 186, 427, 147, 149 IPC; 25 of Arms Act and 13(B) of Haryana Gauvansh Sanrakshan and Gau Samvardhan Act, 2015 |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 of CrPC, seeking regular bail.
2. As per paragraph 16 of the bail petition and as per paragraph 3(ix) of the status report, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Dated/Year | Offenses                                  | Police Station     |
|---------|---------|------------|-------------------------------------------|--------------------|
| 1.      | 148     | 30.04.2016 | 379/411 IPC, 25/54/59 of Arms Act         | Dharuhera          |
| 2.      | 55      | 2012       | 379/411 IPC                               | Nagina             |
| 3.      | 235     | 09.09.2018 | 279/186/307/353 IPC, 25/54/59 of Arms Act | Kasola             |
| 4.      | 849     | 2018       | 323/353/307/186/34 IPC                    | Nuh                |
| 5.      | 358     | 2022       | 174-A IPC                                 | Kasola             |
| 6.      | 131     | 2013       | 174-A IPC                                 | Sushant Lok        |
| 7.      | 106     | 2020       | 332, 353, 336, 307 IPC 3/25 of Arms Act   | Kishangarh Bass    |
| 8.      | 177     | 2021       | 379/411 IPC                               | Kotwali, Faridabad |
| 9.      | 149     | 2023       | 25/54/59 of Arms Act                      | Rojke Mev          |
| 10.     | 308     | 2017       | 365, 395 IPC                              | Kotwali, Faridabad |
| 11.     | 555     | 2018       | 5/13(2) of HGS & GS Act                   | Nuh                |

3. The facts and allegations are being taken from the FIR, which reads as follows:

*“To the SHO, Police Station Model Town, Rewari, Jai Hind, Today on 8-9-18, I HC along with HGH Haridev 173 was deputed on night patrolling in government vehicle number HR 47-A 3626 driven by EHC Vinod Kumar 347. I HC along with fellow employee was on night patrol in the government vehicle at about 12/12.15 A.M. when we reached Sector 18 cut near Dhaliyavas, a white pickup in which 6-7 young boys were loading cows for cow slaughter. Two-three cows were already loaded in the said pickup, which did not have numbers at the back of the pickup. I HC tried to catch them with the help of his fellow employee, then one of them said, Bhola and Hariya shoot them, on saying this, both of them fired guns in their hands at IO with the intention to kill. They fired directly at H.C. with the weapons taken from him, then I immediately bent down and sat down, and the bullets passed by H.C. and when the driver of the pickup started driving his vehicle, the said 5-6 boys sat at the rear of the pickup, one of whom said, "Saakil and Kala, pelt stones at the police vehicle". When I H.C. chased the said pickup, the accused sitting in the vehicle attacked the PCR with stones and drove their vehicle at a very high speed towards Rajesh Pilot Chowk, regarding which information was given to the control room through walkie-talkie set that the said accused have fired bullets at H.C. with the intention to kill him and have damaged the government vehicle by attacking it with stones, and have kidnapped cows for cow slaughter, offence u/s 147/149/186/353/307/427 IPC 25/54/59 Arms Act and 13B Haryana Gau Sanrakshan and Gau Savardhana Act 2015 has been committed, hence a written complaint has been sent to the police station through EHC Vinod 347. After registration of the case, FIR number be intimated. Special report of the case should be sent to Area Magistrate, higher officials and other competent investigation officer should be sent to the spot. I HC was busy at the spot for investigation. SHO sahab was called on the spot through telephone. Today at Sec. 18 Cut Dhaliyawas SD SANJAY KUMAR HC PS MTOWN DT 9-9-18 AT 1.05AM.”*

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 his family.

5. The State's counsel opposes bail and refers to the status report. It would be appropriate to refer to para 5 of the status report, which reads as follows:

“That during investigation it reveals that accused had done fire upon police party with the intention to kill them and the aforesaid applicant/accused Talim @ Bhola was initially arrested in this case on 02.03.2019, as he was already in custody in some other case. Later on, the applicant/accused Talim was granted regular bail by the court of Learned Additional Judge, Rewari vide order dated 06.06.2019. Thereafter applicant-accused Talim@ Bhola absented himself from the court proceedings in violation of terms and conditions of the bail, and ultimately on 23.02.2021 and he was declared proclaimed offender vide order dated 06.05.2023. Thereafter applicant/accused was produced before the court in this case on 05.02.2024. These circumstances are prima facie indicating towards the glaring possibility of flee of accused from the process of court, in case the concession of bail is granted to him again then securing his appearance before the court will be very difficult in future, which will cause considerable delay in the trial of this case.”

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail and he was declared proclaimed offender vide order dated 06.05.2023 passed by Additional Sessions Judge, Rewari.

7. As petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition.

8. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

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 attend the Trial on every date and shall not seek single adjournment without cogent reason.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

16. 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.

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

(ANOOP CHITKARA)  
JUDGE

07.02.2025

Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.