

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4387-2025
Reserved on: 07.07.2025
Pronounced on: 22.07.2025

Happy ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Goel, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
205	14.09.2024	Barara, District Ambala	109(1), 115, 121(1), 127(2), 132, 190, 191(3), 351(2) BNS

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. Per paragraph 20 of the bail application and 14 of status report, the petitioner was found involved in case bearing FIR No.190/2024 under Section 13A-3-67 of Gambling Act, Police Station Barara and was sentenced to pay Rs.500/-.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

"Sir, the request that I ASI Balwan Singh am posted as investigator in 169 KNL. STF UNIT Karnal and today on 14.09.2024, I alongwith other police officials ASI Satnam Singh 116/KKR, ASI Randeep Singh 1037/KTL, STF Karnal, I went for interrogation of Dalip Singh who is having previous criminal record, in connection with arms smuggling. In my private vehicle bearing registration no HR05AQ4500 marka Creta. On the basis of secret information, we reached the residential house built over the Desi liquor shop, ASI Satnam and I introduced himself to Dalip alias Vicky son of Ratan Singh resident of Barara by showing our police identity cards and started interrogation, then Dalip alias Vicky's son happy, prince, Manav & om and one Kushal Pal Chauhan who is owner of that house also came there and gathered a lot of people from here

and there, then suddenly the Dalip@ Vicky took out a knife from the drawer of the bed and attacked me with the intention to kill me. I showed alertness and moved aside to save myself from Dilip's attack, the knife went through the shirt I was wearing. Then ASI Randeep Singh also came up on the spot and he started recording on his his mobile. Happy, who is the son of Dilip alias Vicky, snatched the mobile phone of ASI Randeep Singh and threw it away. After this, Happy, Prince, Manav and Kushal Pal along with several other people attacked me and tried to snatch my official pistol. When ASI Randeep Singh tried to snatch the knife from Dilip Singh alias Vicky then Happy, prince, Manav and Kushal Pal fell on him and they hit ASI Randeep Singh with rods and sticks. After this, Kushal Pal said that set their car on fire, when fellow employee ASI Satnam Singh, while showing his efficiency, went and left the car at the safe place, when Dilip above threatened the police party of implicating them in a false case, he started attacking his own body with the knife in his hand, when I, risking my life, tried to snatch the knife from Dilip above, then his son happy gave another knife in the hand of his father Dilip. After this Dilip made several cuts on his body with the knife he was holding in his hand. Prince, Manav, Happy and Kushal Pal forcibly took Dilip away from there when I and ASI Randeep Singh chased him to control him, Happy son of Dilip locked the lower gate of the house from outside and took the police party hostage. Happy along with his companions threatened to kill the police party. After which ASI Randeep Singh and ASI Satnam Singh called the police for help. The local police came to the spot and took me and ASI Randeep Singh out of there, after which I and ASI Randeep Singh got MLP done, I request you that Dilip, Om and prince Happy, Manav, Kushal Pal and other 20/25 persons committed a serious crime tried to kill the police party, by making a murderous attack with the intention to kill, by obstructing government work, by trying to create a ruckus, by escaping the contract and taking the police party hostage, a serious crime has been committed, for which action should be taken under appropriate sections of the Indian Judicial Code. MLR is attached with SD-Balwan Singh.”

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 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 read as follows:

“12. That as far as role of the accused-petitioner concerned in the commission of present crime of the case is that the name of the present accused-petitioner has been specifically mentioned in the FIR. As per contents of the FIR, specific allegations have been levelled by complainant against accused-petitioner and co-accused

persons for causing injuries on their persons with deadly weapon. It would be relevant to state here that at the time of occurrence when ASI Randeep started recording on his mobile. The accused-petitioner Happy, who is the son of Dilip alias Vicky, snatched the mobile phone of ASI Randeep Singh and threw away. After this, accused-petitioner Happy, Prince, Manav and Kushal Pal along with several other people attacked the complainant and tried to snatch his official pistol. When ASI Randeep Singh tried to snatch the knife from Dilip Singh alias Vicky then accused-petitioner Happy, prince, Manav and Kushal Pal fell on him and they hit ASI Randeep Singh with rods and sticks, but the complainant could not clarify that who has caused which injury upon the victim. Further, accused-petitioner Happy has given another knife to his father i.e. co-accused Dalip @ Vicky for causing injuries to complainant and thereafter, he got the police party confined in their house by locking the main gate of his house. The accused have tried to interfere in the investigation being conducted by the police officials and if such like accused would be released on regular bail, then it will give a wrong message to the society. However, as per opinion of doctor, the injuries suffered by the victim are with blunt weapon and simple in nature.”

7. Although there are allegations against the petitioner of causing injuries to the complainant, but no specific injury has been attributed to the petitioner.

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.

9. Per paragraph 9 of the bail petition, the petitioner has been in custody since 14.09.2024. Per the custody certificate dated 04.07.2025, the petitioner's total custody in this FIR is 09 months and 20 days.

10. 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.

11. 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.

12. 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 Ilaqa 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.

13. 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)	

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

15. 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.

16. 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.

17. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as 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 victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

18. 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."

19. 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.

20. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.