

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5623-2025
Reserved on: 07.07.2025
Pronounced on: 24.07.2025

Jalli @ Jalaluddin @ Jalal ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.
Mr. Naveen K.Sheoran, DAG, Haryana.
Mr. Kunal Jindal, Advocate, for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
55	11.03.2024	Hathin, District Palwal, Haryana	323, 324, 326, 506, 307, 34 IPC

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 13 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"1. xxx xxx on 09.03.2024, at around 03:00 PM, my uncle Nasruddin had a grocery shop at the Chowk. Yesterday, an electric cable was being installed on an electric pole along that route. Suddenly, Jalli (petitioner) from the accused group arrived and said, "I will not let this electric pole be installed here. "My uncle asked, "Why are you stopping this?" Upon this, Jalli (petitioner) got angry and started abusing my uncle with offensive words. Farooq son of Idris, arrived at the scene and intervened, stopping the altercation. Later, my wife Arfina went to the shop to buy some items, when the accused women, including Sakra wife of Jalli and Arseeda wife of Bilal attacked my wife and started beating her. They also snatched her gold earrings. When my uncle Nasruddin tried to intervene, the accused Jalli (petitioner) @ Jalaluddin attacked his face with the reverse side of a battle axe (Farsa). Another accused, Sakeel, started beating my uncle with sticks and wooden rods. Hearing the commotion, my father Qamaruddin, arrived at the scene, and the accused Billu hit my father on the head with an iron rod. Other accused also assaulted him using sticks and wooden rods. Additionally, the accused Sakir son of Ramzan attacked my brother Tayyab with a battle axe (Farsa) and all the accused continued beating him with sticks and rods. Upon hearing the

noise, Khursheed son of Ilyas and Zafar son of Hazar Khan arrived at the scene and somehow rescued us from the accused persons. However, while leaving, the accused threatened us, saying, "Today, these people saved you, but if we get another chance, we will kill you." Following this, Khursheed and Zafar took us to Hathin Hospital, where we received first aid treatment. Due to the severity of our injuries, we were referred to Palwal Hospital for further treatment. My uncle Nasruddin and father Qamaruddin sustained severe injuries, and their treatment is still ongoing, on the basis of which present FIR No. 55 dated 11.03.2024, U/s 323, 324, 506, 34 of IPC has been lodged at P.S. Hathin which is attached with the petition as annexure P-1."

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 counsel for the complainant and the State's counsel oppose bail on the grounds of massive injuries and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

"5. That on 25.08.2024, the accused Jalal (petitioner) was arrested as per procedure. His disclosure statement was recorded, and witness statements were taken. The weapon (Farsa) used in the crime was recovered from the petitioner and seized by the police. Further, the accused Ijhar son of Rafiq, and Bilal @ Billa son of Sitab, residents of Guraksar, were arrested on 04.11.2024 and 10.11.2024, respectively. Their separate disclosure statements were recorded. During the investigation, accused Ijhar and Bilal were found to have slapped and punched the injured. The charge sheet against accused Jalal (petitioner) was prepared and submitted to the Ld. Court on 08.10.2024. He is currently in judicial custody at Neemka Jail, Faridabad. The trial of the present case is pending before the Ld. Court of A.S.J., Palwal and the same is fixed for 09.05.2024 and no witness examined out of total 27 prosecution witnesses."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Only one blow from the reverse side of Farsa is attributed to the petitioner. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. As per paragraph 10 of the bail petition, the petitioner has been in custody since 25.08.2024. As per the custody certificate dated 06.07.2025, the petitioner's total custody in this FIR is 10 months and 12 days.

9. 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.

10. 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.

11. 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.

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 (Crl.) 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 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 may 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

24.07.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.