

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5307-2025
Reserved on: 03.09.2025
Pronounced on: 12.09 2025

GURMEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Anmol Sharma, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
397	08.10.2024	Sector 17, HUDA, Jagadhri, District Yamuna Nagar	61(2)/308(4)/111(2)(a)/111(2)(b) and 351(3) of BNS, 2023 and Section 25(6) of Arms Act, 1959

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. Per paragraph 13 of the bail application and para 14 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	123	17.06.2023	148,149,323,324,326, 506 of IPC	Buria
2	837	08.10.2022	148,149,323,341,308, 506 of IPC	City, Yamuna Nagar
3	143	25.07.2023	148,149,323,324,506 of IPC	Partap Nagar

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

“.....Gist of the case is that on 08.10.2024 the complainant moved an application bearing no. 993 in the office Superintendent of Police

Yamunanagar, vide which, the complainant stated that I, Sunil Agarwal resident of H.no. 3217 Sector-17 PART-2 HUDA live with my family and brother. We have a steel factory in Infinity Bud Craft Bilaspur Road and Bablu Metal Ganga Nagar Colony of Plyboard. Yesterday evening at 6.16 PM. I got a call from number +351926250000 but I did not pick up the phone because it was an unknown number. He wrote me a message to pick up the phone otherwise something bad will happen to you. I blocked the phone number. after that Sir At 7.24 PM, he sent me a WhatsApp message from another number +351966633255 and wrote to me Babloo we know everything about you, we know everything about your family, your children are in Gurgaon and threatened to kill me, my family and my brother. I request you to trace these numbers and take strict legal action against those who are behind this and ensure the safety of me and my family.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has no concern with the co-accused Bhanu Rana. He submits that the petitioner has neither made any call nor raised any demand from the complainant. Counsel further submits that there no evidence against him. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commits any offence where as sentence more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that 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 reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“12. Role of the petitioner: accused/petitioner Gurmeet is having role for bringing illegal weapon as per the instructions of co-accused Venkat Garg after taking money from accused Venkat Garg in association with accused Romil.
13 Evidence against the petitioner statements recorded U/s 161 Cr.P.C and disclosure statement of accused/petitioner are the strong the evidences against the accused/petitioner Gurmeet Singh.”*

REASONING:

7 Petitioner was not named in the FIR and has no role attributed to him, his name surfaced in the disclosure statement of the co-accused as supplier of the arms against payment, however, he was not involved in the demand of ransom. 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. Per paragraph 5 of the bail petition, the petitioner has been in custody since 16.10.2024. Per the custody certificate dated 02.09.2025, the petitioner’s total custody in this FIR is 10 months and 15 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.

8 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.

9 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.

10 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.

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 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.

15 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 Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

17 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."

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

(ANOOP CHITKARA)
JUDGE

12.09. 2025
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Whether speaking/reasoned: Yes
Whether reportable: No.