

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5922-2025
Reserved on: 09.07.2025
Pronounced on: 29.07.2025

Sarif ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munfaid Khan, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
186	13.04.2024	City Palwal, District Palwal	307, 34, 353, 186, 411 IPC, Section 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court second time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 6 of the bail application and as per paragraph 12 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	180	05.09.2021	307, 34 IPC, Section 25 of Arms Act	Dhaunj Farin
2.	99	2021	323, 353, 307 IPC, Section 25 of Arms Act	Gopalgarh, Bharatpur (Rajasthan)
3.	70	2024	379 IPC	Mathura Gate, Bharatpur (Rajasthan)

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

“2. That brief facts of the case are that on 13.04.2024, ASI Updesh alongwith HC Yashbir 57/Pwl, EHC Ravinder 450, Ct. Hemchander 1013, Constable Vinod 498/Pwl and Govt. vehicle no. HR 30GV 3614 with its driver ESI Devi Dayal 86/Pwl was present on patrolling duty at Hathin Turn, Palwal, where an informer provided him secret inputs to the effect that Sarif son of Tahir @ Kala, Hamid son of Daud, Samsad son of Lila and Jaikam@Fitna son of Funki, all resident of Islamabadi Mohalla, Utawar are engaged in the business of cow slaughtering and they also possession illegal weapons. Today also they are wandering in search of

stray cows near culvert/drainage (GANDA NALAH) behind Omaxe City Palwal in a white Creta car and they are possessing illegal weapons, if a barricading is laid near Delhi-Mathura road, they can be overpowered alongwith the car and the weapons. Considering the inputs to be reliable, the ASI Updesh apprised enroute companions of the said secret input and after reaching at Delhi-Mathura Road, he started laying barricades, after 30 minutes, a white car was noted coming from NALAH's side. On its close arrival, the police party cordoned it off, upon which four persons jumped out of the car and started fleeing. One out of them exhorted to shoot, upon which, two persons fired straight at ASI Updesh and enroute police party with an intention to kill. One of the shots passed by the side of right eye of HC Yashbir 57/Pwl and second shot passed over the head of ECH Ravinder 450 touching his hairs. In this way, both of the employees had a narrow escape. While they were being overpowered, all of four went into the NALAH (drainage/culvert) and one of them succeeded in fleeing from there who was holding an illegal weapon. The rest of three persons were overpowered by the ASI Updesh and other police officials after a lot of efforts. One of them was holding a 'KATTA', on checking it, it was found containing an empty cartridge and four more live cartridges were found in his pant's left pocket. A lot of vehicles were coming and going from the spot and they were tried to join the investigation to become eye witnesses by ASI Updesh, however, they had slipped off giving their excuses. On measuring the recovered KATTA, the length of its barrel was 12 cm, the length of body was 10 cm and the length of butt was 9.6 cm. The rough sketch of the KATTA, empty cartridge and 4 live cartridge was prepared. On asking of his name and parentage, he introduced himself as Sarif son of Tahir@Kala, resident of Islamabadi Mohalla, Utawar. The recovered KATTA, an empty cartridge and 4 live cartridges were sealed in a parcel sealed with three seals of UK. After use, the seal was handed over to Ct. Hemchander 1013/Pwl. The second person introduced himself as Hamid son of Daud, resident of Islamabadi Mohalla, Utawar, who was the driver on Creta car. The third person introduced himself as Samsad son of Lila, resident of Islamabadi Mohalla, Utawar. The accused Sarif, Hamid and Samsad revealed the name of fourth fleeing person as Jaikam@Fitna son of Funki, resident of Islamabadi Mohalla, Utawar. All of three persons received injuries in the NALAH as pieces of bricks, stone, glasses were there in the NALAH. The recovered Creta car was taken into police possession. Then upon the said complaint, the present FIR was lodged under sections 307, 34 of IPC and 25 of Arms Act against four accused namely Sarif, Hamid, Samshad and Jaikam@Fitna.”

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.

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

“11. That the present petitioner was specifically named by the secret informer and his names figures in the FIR. As per allegations, he fired at the police party with an intention to kill. A KATTA (country made pistol), an empty cartridge and 4 live cartridges have been recovered from him. Therefore, he may not be granted concession of bail at this stage.”

REASONING:

7. 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.

8. It is a case of no injury. As per paragraph 5 of the bail petition, the petitioner has been in custody since 13.04.2024. As per the custody certificate dated 10.05.2025, the petitioner's total custody in this FIR is 01 year and 28 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. 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.

12. 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)	

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

14. 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.

15. 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 of 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.

16. 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."

17. 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.

18. **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.**

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

29.07.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.