

CRM-M-8473-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8473-2025
Reserved on: 08.04.2025
Pronounced on: 22.04.2025

Tinku ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0077	27.01.2022	Shivaji Colony, District Rohtak	148, 149, 323, 379-B, 392, 452 IPC and 25 of Arms Act

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 17 of the bail petition as well as para 7 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	264	04.11.2023	25 of Arms Act	Crime Branch, Delhi
2	95	28.03.2023	326, 387, 307, 506, 34, 120B IPC and 25/27 of Arms Act	Beri, Distt. Jhajjar
3	268	23.08.2023	148, 149, 302, 307, 325, 120B IPC and 25 of Arms Act	Beri, Distt. Jhajjar

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

“That the facts of the case are that the present case was registered on the complaint moved by Sumit son of Ombir wherein he reported that on 01.10.2021, Himanshu and his friends had fired shot upon him and his

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mother regarding which an FIR bearing No.607 dated 02.10.2021 under Sections 307, 452, 506 read with Section registered at Police Station 34 IPC was got registered at Police station Shivaji Colony, Rohtak. On 26.01.2022, he was present at his home, then at 1.30 a.m., Narender @ Bholu (Sarpanch of their village) called from his mobile No.6389199000 on his mobile No. 9050950991 and told him that they are coming in 20 minutes to get their compromise effected. After some time, Narender (Sarpanch) alongwith Sonu, Sheel son of Surajbhan Mahipal son of Jagdish and Tinku son of Balraj came at his house on a Scorpio vehicle bearing No.HR-12AC-2761. During conversation, Narender Kalu slapped him and thereafter, all the assailants started Sonu asked other beating him. Narender and assailants to took out the weapons. After that, he fired two shots from his licensed revolver to save his life, out of which, one hit on the floor and other hit Sonu. Due to this, Sonu fell down and thereafter, other assailants caught hold of him and Tinku snatched his pistol containing six bullets and fled from the spot. All the aforesaid assailants entered his house and aforesaid snatched his pistol after quarreling with him. He prayed for taking action against the culprits. On the basis of said complaint a vide case FIR no.77 dated 27/1/2022 U/s 148, 149, 323, 379-B, 392, 452 IPC & 25 Arms Act was registered at Police Station-Shivaji Colony.”

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. Counsel for the petitioner submits that petitioner was granted regular bail on 20.10.2022 and he was appearing continuously but due to non-appearance on one date, his bail was cancelled and now he undertakes to attend all hearing before the trial Court.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear due to some misunderstanding and thereafter he was arrested in another case on 16.12.2023.

7. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.

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.

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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 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.

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 any adjournment. Petitioner shall not repeat the offence and would not involve himself in the offence in which sentence is more than three years and if he does so, State is at liberty to file application for cancellation of bail.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. 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.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.04.2025
anju rani
Whether speaking/reasoned: Yes
Whether reportable: No.