

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10286-2025
Reserved on: 09.07.2025
Pronounced on: 29.07.2025

Vikram @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Nain, Advocate,
Ms. Tanya Vashist, Advocate and
Mr. Saurav, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
2073	06.12.2022	Shivaji Nagar, Gurugram	392, 394 IPC and 25 (1B) (a) of Arms Act (Sections 397, 307, 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. In paragraph 7 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 12 of the status report, the accused has following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	445	08.08.2020	420 IPC, Sections 66d, 43 & 75 of IT Act	Sadar Gurugram

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

“3. That the brief facts leading to registration of the FIR aforementioned are that on 06.12.2022, an information was received in the police station regarding firing at Shiv Jewellers, Om Nagar, Gurugram. On receiving the said information, the police party proceeded towards the place of occurrence, from where they came to know that injured Trilok Chand had been admitted in Medanta Hospital, Gurugram for medical treatment. Upon reaching Medanta hospital, opinion of doctor was obtained regarding the injured to give statement upon which the doctors declared the injured to be unfit for giving statement. The police officials however met Devender Kumar (nephew of injured Trilok Chand) who moved a complaint to the effect that his uncle was running the business of jewellery

and he had gone to the shop where three unidentified persons with muffled face came in the shop and opened fire at his uncle as they had come with the intention of robbing the jewellery shop. It was also alleged that one of the assailants had fired upon his uncle as a result of which the bullet hit the stomach of his uncle and thereafter all the three unknown persons fled from the shop on their respective motorcycles. He further alleged that during the said process, the accused persons had also snatched Redmi mobile phone of his uncle bearing SIM Card numbers 99119xxxx and 98103xxxx. Thereafter, he took his uncle to Medanta Hospital for treatment. Legal action was sought. On the basis of these allegations, the above captioned FIR was registered and investigations were taken up in the matter.”

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:

*“13. EVIDENCE AGAINST THE PETITIONER That as far as the evidence against Vikram is concerned, it is submitted that there is sufficient incriminating evidence against the petitioner in the form of CCTV footage collected from the crime scene which was taken into police possession during the investigation and the disclosure statement in pursuance of which, he got recovered-the motorcycle, one country made pistol and one live cartridge. The investigations have also revealed that Vikram was part of a conspiracy with Tushar, Inder and CCL L***@ S**** to rob the jewellery shop. Additionally, chance prints lifted from the crime scene, recovered arms, empty bullet shells and finger prints of the accused are also piece of evidence against the petitioner.*

*14. ROLE OF THE PETITIONER That as far as the role of the petitioner in the commission of the present crime is concerned, it is submitted that the petitioner Vikram has played an active role in both planning-and executing the robbery. He got acquainted with Tushar @ Gillu and during the robbery itself, Vikram was armed with a country-made pistol and entered the jewellery shop with his face covered along with Tushar and CCL L****@ S****. While it was Tushar who shot the shopkeeper when he tried to resist, Vikram was an active participant in the attempted robbery. After the shooting, Vikram fled the scene on the motorcycle, changed his clothes at home, abandoned the motorcycle and then fled to Delhi. He subsequently hid in Rajasthan at his aunt's house before finally going to his home in Sirthala Koshi, UP, where he concealed the weapon used in the crime. He was ultimately apprehended when he returned to Gurugram to meet his accomplices.”*

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. As per paragraph 5 (III) of the bail petition, the petitioner has been in custody

since 20.12.2022. As per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 02 years, 06 months and 15 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 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.

16. 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.

17. 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."

18. 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.

19. **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.**

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

21. 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.

22. **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.