

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10382-2025
Reserved on: 18.03.2025
Pronounced on: 28.03.2025

Mohit Lather ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-11171-2025

Suraj Panghal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Mehak Ghangas, Advocate
for the petitioner in CRM-M-10382-2025.

Mr. Sandeep Bhardwaj, Advocate
for the petitioner in CRM-M-11171-2025.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
378	11.12.2024	Badli, Bahadurgarh, District Jhajjar	190/193(3)/115/126/287/351(3)/110/ 117(2) of BNS and Sections 25/54/59 of Arms Act

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 11 of the bail application (CRM-M-10382-2025) and the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
---------	---------	------	----------	----------------

1	273	2022	147/149/323/325/452 of IPC	Salhawas
2	391	2022	148/149/307/323 of IPC and Section 25(1-b)(a)/54/59 of Arms Act	Badli
3	240	2023	61 of Excise Act	Badli
4	263	2023	506/34 IPC	Badli

3. Per paragraph 14 of the bail application (CRM-M-11171-2025) and the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	381	2012	302/452/120B/201/341 IPC and Sections 25/54/59 of Arms Act	Sadar Bhiwani
2	129	2018	13/3/67 of Punjab Gambling Act	Civil Lines Bhiwani

4. The facts and allegations are being taken from the status report filed in CRM-M-10382-2025, which reads as follows:

“2. That brief facts of the case are that a case FIR No.378 dated 11.12.2024 under section 115, 126, 190, 193(3), 287, 351(3), of B.N.S. and 25/54/59 of Arms Act was registered in Police Station Badli on the complaint of Devinder S/o Ramesh to the effect that, "To SHO, Police Station Badli. Sir, I request that I Devender S/o Ramesh is resident of village Jakhoda, District Jhajjar and work as an agriculturist. We are two brothers. I am the elder one and the younger one is Ravinder. On 10.12.2024, Mohit S/o Ramesh of village Jakhoda from our village was scheduled to get married in village Badli. I and my brother Ravinder left for Badli in our respective vehicles at around 7 in the evening for the wedding. We reached the wedding at around 7:45, where some quarrel had taken place between the boys of the village. Everyone was pacified and sent back home. Ravinder had also left the wedding venue in his vehicle, in the meantime four-five vehicles came and blocked the way by stopping in front of Ravinder's vehicle and Ravinder was alighted from the car. Mohit S/o Jogender from my own village fired three shots in the air. Along with Mohit, Suraj, Mohit, Rakesh, Golu S/o Leela, Mohit Lathar village Goyala Kalan and 15 to 20 other boys attacked Ravinder with sticks. They also said that Ravinder be killed. Their nephew Golu is also included in this. They inflicted many injuries to Ravinder. Then somehow by intervening, Ravinder was brought to Badli Golden Global Hospital. From there he was brought to Sanjeevani Hospital Bahadurgarh where after waiting, an application has been submitted that legal action should be taken against all of them.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State’s counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report filed

in CRM-M-10382-2025, which read as follows:

“8. That the present petitioner has been impleaded as accused in the present FIR on the basis of complaint filed by the injured Ravinder and further the role and active involvement of the present petitioner has been clearfied in the disclosure statement of co-accused Sahil.

9. That the present petitioner as has been specifically named by the complainant in the FIR and even per statement of the injured Ravinder, is that he was member of unlawful assembly who physically assaulted him and the present petitioner was carrying a gun and hit back side portion of gun on the face of the injured Ravinder

10. That one of the pistols used in the crime is already recovered from co-accused Sahil from the house of his brother in law co-accused Mohit @ Mohit Dalal and the vehicle used in the crime is also to be recovered and other accused are also to be arrested and as such custodial interrogation of the petitioner is required in the present case. If the present petitioner is released on bail, he can put pressure on the witnesses and can abscond from trial of the present case.”

REASONING:

8. Although petitioners have massive criminal history but given the nature of evidence and role attributed, this Court does not deem it appropriate to reject bail.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage.

11. The investigation indicates that the petitioners are 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. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

13. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioners 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)	

15. This order is subject to the petitioner's complying with the following terms. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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.

18. Given the background of allegations against the petitioners, it becomes paramount to protect 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 petitioners 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 of the compliance. However, subject to the Indian Arms Act, 1959, the petitioners shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

19. 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."

20. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

21. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. **This bail is conditional, and the foundational condition is that if the petitioners indulge 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.**

23. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

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

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.