

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

CRM-M-12484-2025
Reserved on: 11.03.2025
Pronounced on: 26.03.2025

Satish @ Dattu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Goel, Advocate
for the petitioner.

Ms. Trishanjali Sharma, D.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
411	10.07.2024	Kundli, District Sonepat	118(1), 118(2), 3(5), 351(2) of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 31 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To, SHO, P.S. Kundli, Sir, it is a request that I, Pradeep Kumar S/o Shri Balbir Singh, R/o Village Nangal Kalan and work as a driver. On 06.07.2024, in the evening approx. 7:30 PM I was working in the farms and my uncle's (Chacha), Chand Roop's, farms are attached with ours who are forcibly sowing some of our land and my Uncle's Son, Sunder with Dallu S/o Kabul Singh R/o Nangal Kalan came to me and said that the rest of the land will be sowed by us only. I reverted him that you cannot do this. This conversation started a quarrel between us and after that I came back to my home. At approx. 9 PM I was sitting outside a shop nearby my home when Surender and Dallu came on a Tractor and as soon as they both stepped out of the Tractor, Dallu came and grabbed me and Surender picked a spade with an intention of killing me, directly attacked my head while protecting myself in defence, my hand got injured. After that Surender again tried to attack me and in defence I

stuck my hand in between. After that when, I started shouting for help for my defence then Sundar and Dallu said that we have taught you a lesson today and if you come to this land again, we will kill you. After saying such things, they left. After that, my younger brother took me to the Samanya hospital, Sonipat for my treatment for the injuries given by Sunder and Dallu by the spade. I have threat to my life from them and their family. A strict action should be taken against them. Complainant-Pradeep Kumar S/o Balbir Singh R/o Nangal Kalan, Mobile No. 9991442747 Investigating Police dated 06.07.2024, an unofficial complaint was obtained by the control room from Sonipat that Pradeep S/o Balbir R/o Nangal Kalan, has been referred from GH Sonipat to PGIMS Rohtak for the injuries occurred during the fight, please investigate. According to that information, on 07.07.2024, victim Pradeep Kumar got his MLC No. AM/GH SNP/28/2024 DT. 06.07.2024 done and its report showed that Pradeep Kumar is admit in the Tulip Hospital, Sonipat. The Police reached to him and asked him to give his statement on which he said that he will first consult with his family and give the statement by coming in the Police Station. Today, Pradeep Kumar gave the above statement by coming to the Police Station to the concerned HC (Head Constable) which is found chargeable under Section 118(1), 351(II), 3(5) of Bhartiya Nyaya Sanhita (BNS), 2023, it is further handed over to MHC Police Station.”

4. 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 petitioner and their 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 read as follows:

“11. That the role of the petitioner/accused Satish @ Dallu that has come toward during the investigation is that the Petitioner/accused Satish @ Dallu with co-accused/Surender had a fight with the complainant Pardeep Kumar over sowing the agriculture land on dated 06/07/2024, accused/Surender had attacked with Sickel (Kashi) on the complainant Pardeep Kumar with the intention to Kill him, He also got recovered the wepon i.e Sickle (Kashi) and Petitioner/Accused Satish @ Dallu was holding the Complainant Pardeep Kumar from behind.”

7. Perusal of the reply reveals that as per injured, petitioner had caught hold of him whereas it was Surender who was inflicted sickle blow on his head, thus even as per victim, no injury on the head is attributed to the petitioner.

8. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

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. 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.

12. 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 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.

13. 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)	

14. The petitioner is 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 petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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, 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 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 of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner 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.

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. 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 petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. 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.

20. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.