



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279 CRM-M-12346-2025 (O&M)
Date of Decision: 13.05.2025

Sanjit Rathi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
492	23.12.2024	Bilaspur, Gurugram, District Gurugram	111(2) (b) of BNS and 25 (1-B) (a) of Arms Act

1. The petitioner is seeking interim bail on medical ground by filing the application i.e. CRM-16604-2025, as well as, grant of regular bail on merits by filing the main bail petition.
2. This Court proposes to decide the main bail petition on merits. As such, there is no need to decide the application seeking interim bail on medical ground. Therefore, the application i.e. CRM-16604-2025 is disposed of having been rendered as infructuous.
3. 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.
4. As per paragraph 05 of the bail application and as per paragraph 9 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	180	30.09.2009	302 IPC and 25/54/59 of Arms Act	Bilaspur, Gurugram
2.	311	15.09.2016	285, 506 IPC and 25/54/59 of Arms Act	Bilaspur, Gurugram
3.	309	17.11.2017	42 PC Act	Bhondsi
4.	32	07.02.2018	42 PC Act	Bhondsi
5.	350	27.10.2018	147, 148, 325, 452, 506 IPC	Bilaspur
6.	475	13.10.2020	25(1-B) (a) of Arms Act	Bilaspur

5. The facts and allegations are being taken from the reply filed by the State, which



reads as follows:

“3. That the brief facts leading to registration of the FIR aforementioned are that a complaint was registered at the instance of complainant ASI Harjeet, wherein he stated that on 23.12.2024, he received a letter from the Office of Commissioner of Police, Gurugram, and pursuant to the letter, police reached at the residence of the petitioner. He further stated that upon reaching police informed the petitioner about the media report alleging that he was having illegal weapons in his possession. He further confirmed that the person in the social media post was him, which was uploaded approx.. 2-3 years ago. Two pistols and 10 cartridges were recovered at the instance of the petitioner from his residence and the same were taken into police possession. Legal action was sought. On the basis of these allegations aforementioned FIR was registered and investigation was taken up in the matter.”

6. The petitioner’s counsel submits that the petitioner undertakes to live like a decent human being to reform himself and he undertakes that if he repeats the offence, he shall have no objection if State files application for cancellation of bail. In addition to that, he submits that in case he is involved in any offence where the sentence prescribed is more than 07 years, he shall have no objection if the bail earlier granted to the petitioner in FIR No.475 dated 13.10.2020 is also cancelled. In case he repeats the offence, he has no objection, if the State files an application for recalling of suspension of sentence in FIR No.180 dated 30.09.2009 in which he was convicted under Section 302 of IPC.

7. 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.

8. The State’s counsel opposes bail and refers to the reply.

9. It would be appropriate to refer to the following portions of the reply, which read as follows:

“10. ROLE OF THE PETITIONER:

The petitioner had been found complicit in the commission of the crime complained off and it transpired that the petitioner was involved in Organized criminal activities.

11. EVIDENCE AGAINST THE PETITIONER:

The allegations against the petitioner are serious and specific. He had been found in possession of two country made pistols and 10 live cartridges, which were being transported by him without any authorization or permit. The previous criminal record of the



petitioner goes on to show that the petitioner is a hardened criminal and has earlier being involved in commissions of grave and serious offences.”

REASONING:

10. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per the custody certificate dated 09.05.2025, the petitioner’s total custody in this FIR is 04 months and 16 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, role attributed to petitioner and the other factors peculiar to this case, there would be no justifiability for further 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.

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 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.

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

15. 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, 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 and also to block the menace of drug abuse. 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. **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 be at 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

13.05.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.