

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

CRM-M-12737-2025  
Reserved on: 03.04.2025  
Pronounced on: 22.04.2025

Pardeep ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Kumar Nehra 'Sirsa', Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station            | Sections                                                                |
|---------|------------|---------------------------|-------------------------------------------------------------------------|
| 341     | 28.08.2024 | Agroha, District<br>Hisar | 115/351(2)/140(3)/3(5) of<br>BNS (Section 117(2) BNS<br>added later on) |

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. Per paragraph 11 of the bail application and 7 of the status report, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses                      | Police Station |
|---------|---------|------------|-------------------------------|----------------|
| 1       | 314     | 12.08.2024 | 61 of Punjab Excise Act, 1914 | Agroha, Hisar  |

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 of the case are that on 27.08.2024, an online Rukka was received at Police Station Agroha, reporting that Ramesh, son of Om Parkash, had been admitted to MAMC (Maharaja Agrasen Medical College), Agroha, due to injuries sustained in a quarrel. Consequently, HC Subhash (No. 1418), accompanied by other police officials, proceeded to MAMC, Agroha, where they obtained the Medico-Legal Report (MLR) of the injured Ramesh from the duty doctor. An application was submitted to the duty doctor for recording the statement of the injured; however, the patient was declared

*unfit for making a statement at that time. On 28.08.2024, HC Subhash, along with other police officials, revisited the duty doctor and obtained a written opinion declaring the patient fit to give a statement. Accordingly, the statement of Ramesh was recorded. In his statement, Ramesh stated that he owns a furniture shop located in front of Agroha Police Station. He further stated that on 26.08.2024, at approximately 11:30 PM, he was returning from Sabarwaas in the vehicle of his friend, Subhash, son of Lilu Ram. As they were traveling, their vehicle suffered a puncture near the fields behind the flats of the Thermal Power Plant in Agroha. Subhash exited the vehicle to change the tire while Ramesh remained seated inside. Shortly thereafter, a Bullet and a Platinum motorcycle passed their car. Subsequently, a white-colored Hyundai i20, bearing registration number HR-20AA-7473, approached and stopped near their vehicle. Three individuals, namely Kuldeep alias BP (resident of Kuleri and co-accused), Narender alias Kala (son of Umed Singh, resident of Agroha), and Pardeep alias Baba (resident of Kuleri and the present petitioner/accused), alighted from the said vehicle, armed with iron rods. They assaulted Subhash, striking him on the head, causing him to fall to the ground. Upon hearing the commotion, Ramesh exited the vehicle and inquired about the situation. The assailants instructed him to remain seated in the car. When he refused, Narender alias Kala struck him on the head with an iron rod and forcibly made him sit inside the vehicle. Subsequently, they drove the vehicle onto a kachha road, where Kuldeep (co-accused) stated that they required a sum of Rs 2,00,000. Upon Ramesh's refusal to comply, all three accused assaulted him with iron rods. Shortly thereafter, four unidentified individuals arrived on a Bullet or Platinum motorcycle, carrying wooden sticks. These individuals, along with the previously named accused, dragged Ramesh to a nearby field and continued to assault him, warning him that failure to pay the demanded amount would result in his death. During the assault, Kuldeep alias BP (co-accused) repeatedly struck Ramesh's right leg with an iron rod, while Narender alias Kala inflicted multiple blows on his left leg. Pardeep alias Baba (petitioner/accused) attacked both of Ramesh's legs with a sharp instrument (sua), and the four unidentified individuals struck his back and chest with wooden sticks (dandas). Thereafter, Kuldeep (co-accused) struck Ramesh's mouth with an iron rod, causing the breakage of his teeth. Following this, Kuldeep retrieved a wooden danda from his vehicle and examined Ramesh to determine whether he was still alive. The assailants then abandoned Ramesh at the scene and fled. Ramesh lost consciousness, and at approximately 6:00 AM, his brother, Shishpal, arrived at the location. After arranging for a vehicle, he transported Ramesh to MAMC, Agroha, where he received medical treatment. Accordingly, a request was made for legal action against the accused persons. Based on the aforementioned statement, an FIR*

*bearing No. 341, dated 28.08.2024, was registered at Police Station Agroha, District Hisar, under Sections 115, 140(3), 3(5), and 351(2) of the Bharatiya Nyaya Sanhita (BNS). A copy of the MLR is annexed herewith as Annexure R-1."*

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:

*"8. It is respectfully submitted that, with regard to the role of the petitioner/accused, the petitioner/accused, along with the co-accused persons, is alleged to have forcibly taken one Ramesh in a motor vehicle and inflicted injuries upon him utilizing iron rods, a sua, and a danda. The petitioner/accused has been explicitly named in the First Information Report (FIR) as Pardeep alias Baba. The allegations leveled against the petitioner/accused are of a grave and serious nature. The Medico-Legal Report (MLR) of the injured victim reflects grievous injuries, and no contention of self-infliction has been raised. Furthermore, it is submitted that none of the accused persons have been apprehended thus far. It is also of particular relevance that co-accused Sandeep alias BP, a resident of Kuleri, was joined in the investigation pursuant to the direction of the Hon'ble High Court in CRM-M-57538 of 2024. It is further submitted that the petitioner/accused possesses the ability to identify the other co-accused individuals, and as such, custodial interrogation is considered imperative for the purposes of effective investigation and the ascertainment of the complete and true facts of the case."*

7. No specific injury was attributed to petitioner. There is prima facie evidence to connect the petitioner with crime, however these are not enough to deny bail. Moreover, petitioner is not found involved in any serious offence in the past.

8. 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.

9. 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 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.

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. 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.

14. 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 (CrI.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

15. 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 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.

16. 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."

17. 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.

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 shall 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

22.04.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.