

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

CRM-M-14091-2025  
Reserved on: 09.07.2025  
Pronounced on: 16.07.2025

Gurdass @ Billa ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S.Mamli, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                         | Sections                                                                             |
|---------|------------|----------------------------------------|--------------------------------------------------------------------------------------|
| 495     | 02.11.2024 | Sadar Fatehabad,<br>District Fatehabad | 61(2)/111/109(1)/308(4)/351(2)/3(5)<br>BNS, 25 of Arms Act and 5 of<br>Explosive Act |

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
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 FIR in this case was registered on the basis of a complaint moved by complainant Pream Chand son of Ram Kishan. An abridged version of the complaint is reproduced as follows:-*

*"On 02.11.2024 P/SI Sandeep Kumar, P/SI Balwan Singh, P/SI Anil and HC Angrej were present at Bus stand village Bisla in Government Vehicle where MHC, Police Station Sadar Fatehabad informed P/SI Sandeep Kumar that three persons who had muffled faces have fired at Prem Vastra Bhandar with the pistol. On this P/SI Sandeep Kumar along with other police officials reached at Prem Vastra Bhandar, village Mazra, where many people had gathered at the spot and Prem Chand son of Ram Kishan gave a written complaint to P/SI Sandeep in which he had stated that, I am resident of village Majra and I am 5th passed. He and his son's Jai Kishan, Pawan and Sonu are running a shop in the name and style of Prem*

*Vastra Bhandar and our shop is 54-55 years old. That today 02.11.2024 at about 4:10 P.M. three persons on one motor cycle, who had muffled their faces, stopped in front of our shop, one person who was having pistol in his hand, fired at us with intention to kill but that bullet struck on the cover of the shutter and they bowed down to save themselves. Thereafter, one of the three assailants threw a letter towards our shop and thereafter three assailants went away towards Sharda Hanuman Mandir on their motorcycle. Thereafter, we made a call on dial 112. He also produced threatening letter in which there is ransom demand of Rs. 20,00,000/-and has threatened that if the demand is not completed, then he will have to face the consequences and has threatened them to kill. Thereafter complainant prayed that action be taken against three unknown assailants and he can recognized the motor cycle and three assailants if they are produced before him.”*

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 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:

*“16.That as far as specific role of the petitioner/accused is concerned, the petitioner/accused in-connivance with co-accused hatched criminal conspiracy and raised demand of Rs.20,00,000/-form the complainant. Petitioner/accused is the one who wrote the ransom letter and as such the main perpetrator of the crime alongwith main accused persons who went at the shop of complainant. Handwriting samples of the petitioner/accused has been obtained and the same was sent to FSL, Madhuban, Kanal for analysis purpose with the recovered ransom letter.”*

7. The evidence against the petitioner is in the shape of disclosure statement of co-accused and there is no injured in the present case and role attributed to petitioner is that he wrote ransom letter, as such petitioner is entitled for bail.

8. 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.

9. Per paragraph 3 of the bail petition, the petitioner has been in custody since 08.11.2024. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 08 months.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, role attributed and the other factors peculiar to this case, there would be no justifiability 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. 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 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 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.

17. 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 from 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.

18. 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."

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

16.07.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.