

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

CRM-M-15144-2025
Reserved on: 08.09.2025
Pronounced on: 24.09.2025

Bhallu Ram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lupil Gupta, Advocate,
Mr. Apurav Kamboj, Advocate,
Ms. Divya, Advocate and
Mr. Sandeep, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
166	03.08.2022	Odhan, District Sirsa	147/149/302 IPC

1. 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.
2. The petitioner has not disclosed criminal antecedents; however, as per paragraph 23 of the status report, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That brief facts of the case are that case FIR No. 166, dated 03.08.2022, under sections 147/149/302 IPC (section 341 IPC added during Investigation), PS Odhan, District Sirsa/Annexure P-1 was registered on the statement of complainant Pawan Kumar son of Dharam Singh, resident of village Bibipur, Tehsil Bhadra, District Hanumangarh (Rajasthan), against (1) Parveen wife of Kalu Ram, (2) Mani Ram son of Kalu Ram, (3) Sandeep son of Tarsem, (4) Sunil son of Tarsem, (5) Sonu son of Sukhdev, (6) Sandeep son of Sukhdev, (7) Vicky son of Jagdish, (8) brother in law (sala) of Vicky, son of unknown, (9) middle son of Vicky and (10) Sunil son of Gori, all residents of Khuiyan Nepalpur, by name. The contents of FIR are reproduced as under:

"Stated that I am resident of the above address and do labour work. I am married and have three children. We are three brothers, I am the eldest, younger to me is Sandeep and the youngest is Vinod. My brother Sandeep, aged about 25 years, used to do masonry

work. My brother Sandeep lived with a woman named Rani in Aryanagar, Hisar Today on 03.08.2022 at about 4 AM, I received two missed calls from my brother Sandeep's phone number 97287-30372 on my phone number 97281-07118, which I could not pick up. Then I called my brother Sandeep's phone number, but his phone was switched off. After that, after 10-15 minutes, I again received a call from Sandeep, who asked me to let him talk to my mother. I made my brother Sandeep talk to my mother Santosh. My mother gave me the phone back. When I listened to the phone, someone else was talking on the phone instead of Sandeep. That man told me that your brother Sandeep is here with us in Khuiyan Nepalpur. You bring four/five persons from the village and take him. After that, for my satisfaction, I called my uncle Ram Kishan son of Toda Ram, resident of Aryanagar Hisar and sent him to my brother Sandeep's house. After some time, my uncle Ram Kishan told me that Sandeep is not at home. Sandeep's wife Rani, her brother and her sister-in-law and Sonu son of unknown, resident of Hindwan, Hisar are at home. Meanwhile, I received a call from phone number 83073-00234 on my phone number 90797-36246. When I called this number from my phone number, the man on the other end said that your brother Sandeep came to our house in village Khuiyan Nepalpur last night and he has done a very wrong act. You come and take him away, otherwise we will kill him. Then I went to the village Khuiyan Nepalpur along with my father Dharam Singh son of Toda Ram, my two uncles Ram Kishan son of Toda Ram and Ram Kumar son of Toda Ram, residents of Bibipur. We came to know that my brother Sandeep had come to the house of Maniram son of Kalu Ram, resident of Khuiyan Nepalpur, whom Kalu Ram's son Mani Ram caught along with his mother Parveen wife of Kalu Ram in a naked condition at night. We have been fully assured of the fact that Maniram son of Kalu Ram had seen my brother Sandeep and his mother Parveen wife of Kalu Ram in a naked state in the room of his house. Angered by this, Mani Ram son of Kalu Ram along with his mother Parveen wife of Kalu Ram called Sandeep, Sunil sons of Tarsem, Sonu, Sandeep sons Sukhdev, Vicky son of Jagdish, Vicky's brother-in-law (sala) and Vicky's middle son, Sunil son of Gori, residents of Khulyan Nepalpur to their house and beaten my brother Sandeep to death with sticks, kicks, punches and belt. Action be taken against the above accused. The statement has been got recorded, read, which is correct. Sd/- Pawan Kumar".

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. He further seeks bail on the grounds of parity with co-accused who have already been granted bail by a Co-ordinate Bench of this Court.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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, which read as follows:

“22. That the petitioner/accused has filed the present petition for grant of regular bail. In this regard it is most respectfully submitted that the petitioner/accused is involved in heinous crime of murder. The petitioner/accused is named in disclosure statement of co-accused Mani Ram/Annexure R-3. During investigation of the case, the petitioner/accused has been found involved in the commission of crime. During investigation, petitioner/accused suffered disclosure statement admitting his involvement in the commission of crime and got demarcated the place of occurrence, in accordance with his disclosure statement. In this way the involvement of petitioner/accused in the murder of deceased Sandeep by inflicting injuries alongwith other co-accused person was fully established on the case file. As such he was sent upto face the trial in the Ld. Trial Court by way of submission of challan/final report against him alongwith his co-accused. The Ld. Trial Court has framed charge against (1) petitioner/accused and co-accused, under sections 147/149/302 IPC on 10.03.2025. In the event of regular bail, there is every apprehension that the petitioner/accused may try to influence the prosecution witnesses or may abscond in order to avoid the trial of the case. As such the petitioner does not deserve for the concession of regular 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. Co-accused Sandeep and Vikram @ Vicky have already been granted the concession of regular bail vide order dated 11.12.2024 and 31.07.2025 passed in CRM-M No. 40469 of 2024 and CRM-M No. 64576 of 2024 respectively. Role of the petitioner is on lower pedestal as petitioner's name surfaced in the disclosure statement of co-accused.

9. Per paragraph 20 of the bail petition, the petitioner has been in custody since 27.08.2024. Per the custody certificate dated 05.09.2025, the petitioner's total custody in this FIR is 01 year and 09 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, role attributed, co-accused already granted bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. 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.

13. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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²Supreme Court of India in *State of Kerala v. Raneeff*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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)	

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

17. 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.

18. 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.

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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the

petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

23. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.