

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16423-2025
Reserved on: 10.07.2025
Pronounced on: 16.07.2025

Harshdeep @ Aman ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
218	29.07.2023	Sector 17, HUDA, Jagadhri, District Yamuna Nagar	307, 34, 120-B IPC and 25(6), 25(7), 29-B of Arms Act

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. Per paragraph 15 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	008	07.10.2022	285, 506 IPC and 25 of Arms Act	Chhappar
2.	217	19.07.2022	307 IPC and 25 of Arms Act	Chhappar
3.	085	29.03.2023	452, 307, 379-B, 506, 34 IPC and 25 of Arms Act	Nising
4.	469	12.07.2022	420, 427, 473, 307, 120-B, 34 IPC and 25 of Arms Act	Ladwa

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

"Statement of Kamaldeep Singh Khabbal son of Jasbir Singh, resident of House No.1184/1, Durga Colony, Chhoti Line, Jagadhri, District Yamuna Nagar, aged 30 years. Mobile No.90347-14171. It is stated that I am of the aforesaid name and address and we are three brothers. My elder brother Sathir, younger to him is Baldeep and I am youngest. My elder brother Satbir lives in Ireland abroad

and my second brother Baldeep lives in Australia abroad. My brother Baldeep was married in village Milk Sukhi with Arjinder Kaur daughter of Pritam Singh in the year 2016. My brother Baldeep and my Bhabhi Arjinder Kaur were not in good terms, due to which there remained many disputes between us and family of my Bhabhi. On account of this marriage, many Panchayats of both the families were convened. In the year 2018, divorce of my brother Baldeep and Arjinder Kaur had taken place. Baljinder Singh son of Pritam Singh, resident of village Milk Sukhi, Police Station Chhappar, District Yamuna Nagar, was real brother-in-law of my brother Baldeep. Due to this family dispute, Baljinder Singh had been keeping grudge against our family. Sukhwinder alias Sukhi and Babu sons of Pritpal Singh, residents of village Bal Chhappar are maternal sons of Baljinder Singh and they are also keeping grudge with us on account of this quarrel. In the year 2022, I had gone in District Jail, Jagadhri in a quarrel, where Sukhwinder alias Sukhi was already lodged in the jail. In continuation of our earlier quarrel, Sukhwinder alias Sukhi had also quarreled with me in the Jail and we had many altercation. Now a days Habu is abroad in America. I am having a garage in the name of Fauji Garage at Chhoti Line. On garage at behind and in front small shutters are fixed and both shutters are opened. Today on 29.07.2023 at about 4.00 P.M. no customer was there in the garage and I and my servant Raman son of Vijaypal, resident of Sunder Vihar Colony, Kansapur, District Yamuna Nagar were sitting. Raman while sitting on a Sofa in the garage, was seeing mobile and I went in the house adjacent to my house. After some time, I heard noise of firing bullet and I came out of the house while running and saw that a boy had been coming while running out of the garage and two boys were sitting outside. All three boys were having pistols in their hands and they all three boys after boarding on the motorcycle alongwith their respective weapons fled away. The boy who had come out of my garage while running, from his movement and dresses was appearing Baljinder Singh son of Pritam Singh, resident of village Milk Sukhi, Police Station Chhappar, District Yamuna Nagar and I had seen at the spot that outside the garage many empty cartridges were lying. When I went inside, on the backside Raste of my garage, my servant Raman was standing, who had suffered bullet on his right arm, who told me that all these three boys have gone while running. All three of them have fired indiscriminately upon me with intention. to kill me. There are signs of bullet hitting on the cabin glass inside my garage. I am sure that Baljinder Singh and two other boys came with him of unknown name and address have fired indiscriminately in my garage with intention to kill me and I have also suspicion that this firing was got opened by Sukhwinder alias Sukhi and his brother Babu through some of his accomplice. Many neighbours had gathered there. Raman has been taken to Civil Hospital, Yamuna Nagar for treatment. Raman is admitted in Civil Hospital, Yamuna Nagar for treatment. Legal action may be taken against the person opening fires or getting the fire opened on my garage as well as on my servant Raman. I have got my statement recorded, same has been read over and is correct and at the spot Dr. Chander Shekhar.”

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. Role of the petitioner - That with respect to the role of the petitioner, it is submitted that the petitioner is an active member of "Babu Gang". The petitioner hatched criminal conspiracy with his co-accused to run criminal activities in the name of Babu Gang and in pursuance of said criminal conspiracy, the petitioner along with Karandeep Singh @ Karan went Dehradun (Uttarakhand) at the instance of Daljeet Singh @ Babu and brought three country made pistols and 27 live cartridges. The above said Daljeet Singh @ Babu is cousin brother of the petitioner and the petitioner started criminal activities as member of Babu Gang. In the present case, the petitioner went to Saharanpur (Uttar Pradesh) at the instance of Daljeet Singh @ Babu and brought one country made pistol and live cartridges and handed over the same to co-accused Baljinder Singh @ Balli. The petitioner also conducted "rekki" of the victim. The three country made pistols and live cartridges have been recovered from the petitioner by the police in other criminal case bearing F.I.R. No. 85 Dated 29-03-2023 U/s 452, 307, 379-B, 506, 34 of IPC and 25 of Arms Act registered in P.S. Nising, Distt. Karnal. Thus, the petitioner is one of the main accused in the present case and has played active role in the commission of offence.

17. Evidence against the petitioner - That name and role of the petitioner in the commission of present offence was revealed during the investigation of present case and upon the disclosure statement of the co-accused Kushdeep @ Kush, Baljinder Singh @ Balli and juvenile Harmandeep Singh @ Harman etc. Beside the disclosure statement of the co-accused, there is disclosure statement of the petitioner. Moreover, the allegations leveled against the petitioner have been found to be true during investigation. During investigation sufficient and strong evidence connecting the petitioner with the aforesaid offence has been collected and in the investigation it has been found that the petitioner along with his co-accused has committed the aforesaid offence in a planned manner."

REASONING:

7. The evidence against the petitioner is in the shape of disclosure statement which is not legally admissible and allegation against the petitioner is only of bringing country made pistols and cartridges and doing rekki of victim.

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. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 01 year, 11 months and 04 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

9. 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.

10. 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.

11. 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)	

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

13. 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.

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, 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.

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. 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.

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.

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

16.07.2025
Jyoti Sharma

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No.