

CRM-M-19207-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-19207-2025  
Reserved on: 09.07.2025  
Pronounced on: 31.07.2025

Tahir ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Omkar Chauhan, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station           | Sections                                            |
|---------|------------|--------------------------|-----------------------------------------------------|
| 54      | 13.05.2018 | Bapoli, District Panipat | 279 & 307 IPC, 13(2) of HGSG Act and 25 of Arms 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. Per paragraph 11 of the bail petition, para 4 (I) of the reply as well as custody certificate dated 08.07.2025, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offenses                                                            | Police Station                |
|---------|---------|------------|---------------------------------------------------------------------|-------------------------------|
| 1       | 460     | 18.06.2014 | 379 IPC                                                             | Sadar Karnal, Karnal          |
| 2       | 121     | 2024       | 2/3 of Gangster Act                                                 | Gangoh, Saharanpur            |
| 3       | 127     | 2024       | 4/25 of Arms Act                                                    | Gangoh, Saharanpur            |
| 4       | 41      | 10.02.2020 | 174A IPC                                                            | Babain, Kurukshetra           |
| 5       | 160     | 28.06.2018 | 25/54/59 of Arms Act, 285, 457/380 IPC                              | Babain, Kurukshetra           |
| 6       | 695     | 03.09.2019 | 380, 34 IPC                                                         | City Panipat, Panipat         |
| 7       | 222     | 18.03.2017 | 148, 149, 307, 323 IPC, 25/54/59 of Arms Act and 13(2) HGS & GS Act | Model Town, Panipat           |
| 8       | 157     | 2022       | 3/5 of CS AC Act                                                    | Gangoh, Saharanpur            |
| 9       | 68      | 04.04.2018 | 25 of Arms Act, 307, 427, 13 IPC                                    | Sadar Panipat, Panipat        |
| 10      | 447     | 15.05.2018 | 149, 186, 307, 332, 353, 420, 427, 148 IPC and 25/54/59 of          | Chandni Bagh Panipat, Panipat |

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|    |     |            |                                                                         |                               |
|----|-----|------------|-------------------------------------------------------------------------|-------------------------------|
|    |     |            | Arms Act                                                                |                               |
| 11 | 94  | 08.05.2018 | 307, 427 IPC, 13(1) of HGS & GS Act and 25/54/59 of Arms Act            | Sadar Panipat, Panipat        |
| 12 | 311 | 01.04.2018 | 25/54/59 of Arms Act and 307, 323 IPC                                   | Chandni Bagh Panipat, Panipat |
| 13 | 484 | 28.04.2017 | 25/54/59 of Arms Act and 420, 465, 483, 201, 120B IPC                   | City Panipat, Panipat         |
| 14 | 49  | 08.03.2018 | 13(2), 20 HGS & GS Act, 25 of Arms Act and 307 IPC                      | Chhappar, Yamuna Nagar        |
| 15 | 125 | 18.04.2024 | 174A IPC                                                                | Chhappar, Yamunanagar         |
| 16 | 135 | 16.06.2014 | 148, 149, 307, 428 IPC and 11(D) of AC Act and 4/8 of Cow Slaughter IPC | Chhappar, Yamunanagar         |
| 17 | 471 | 11.06.2019 | 174A IPC                                                                | City Panipat, Panipat         |

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“That the brief facts of the prosecution case are that on 13.05.2018, on receipt of a telephonic information regarding receiving firearm injury by one Kulbir S/o Biram Pal, a police party headed by ASI Surender reached at Prem Hospital, Panipat and obtained opinion of the doctor regarding condition of injured Kulbir, who was declared fit for making statement. Injured Kulbir submitted a written complaint alleging that in the same night, he was sleeping in his gher when at about 01:45 a.m., six-seven youths, who were unknown to him, came there in a pick-up vehicle. They parked their vehicle and started loading a cow, who was standing beside the road in their vehicle. His father and grandfather raised alarm, due to which the complainant had woken up and rushed towards those persons, but one of them raised a shot with pistol upon the complainant and the bullet hit beneath his neck, due to which he fell down. On hearing the noise, his neighbour Vikas son of Naresh reached at the spot. However, the assailants loaded the cow in the pickup. Vikas tried to follow them, but they stopped their pickup and followed Vikas. However, he (Vikas) fled away from the spot in order to save his life. The assailants succeeded in taking the cow. He was shifted to Prem Hospital, Panipat by his father and grand-father. He prayed for taking legal action against the assailants.”*

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 reply.

6. 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

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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 as well as in those cases, where petitioner not undergone half of custody of the prescribed sentence, before the concerned Court having jurisdiction over the FIR(s), which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

*“The role of the petitioner:*

*The petitioner and other co-accused had borrowed the Mahindra Pick up balero vehicle with registration number HR-58-A-7223 from Ishrar @ Chota S/o Mehmood. The petitioner drove the automobile. On May 13, 2018, they "observed a cow standing near the road. As a result, they became greedy and decided to take it with them to sell to the butchers. Complainant, his other family members, and his neighbours spotted them as they carried out the plan. They all raced to the accused in attempt to save the cow. On this, co-accused Wazid fired his country-made pistol at the complainant, striking him below the neck. All the accused persons succeeded to take the cow with them and then they admittedly sold the cow to a random butcher for Rs. 31,000/- and distributed the money among themselves.”*

#### REASONING:

8. Briefly, the allegations against the petitioner are of transporting animals (cows) for slaughtering. During the intervention of complaint when petitioner and co-accused were taking the cow from the road for slaughtering, co-accused fired upon the victim, which hit the victim and petitioner was driving the vehicle. The other details are not necessary for the purpose of deciding the present petition.

9. No doubt petitioner is involved in massive number of cases and 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.

10. Per paragraph 7 of the bail petition, the petitioner has been in custody since 04.05.2024. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 01 year, 02 months & 05 days.

11. 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 for further pre-trial incarceration at this stage.

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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.

13. 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.

14. 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)                                                                                                             |  |

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

16. 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.

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

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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, 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 as well as bail in other cases where petitioner undergone less than half of custody to the prescribed sentence, before the concerned Court having jurisdiction over the FIR(s), which shall have the authority to cancel this bail, and as per their discretion, they may 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

31.07.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.