

CRM-M-18874-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18874-2025
Reserved on: 01.08.2025
Pronounced on: 21.08.2025

Jaipal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S.Narula, Advocate
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
407	03.10.2023	Sector-7, Panchkula	304/201 IPC and 21/29 of NDPS 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. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That brief facts of the case are that police received the telephonic information on 02.10.2023 that the dead body of a young man was lying near Ghaggar River, Gate No.3, Kharak Mangoli, Panchkula. Resultantly, HC Leela Ram along with fellow companions reached at the spot and inspected the dead body. The photographs were taken and area near the spot was inspected. The dead body was kept in Mortuary in Civil Hospital, Sector 6, Panchkula. On 02.10.2023, the dead body was identified as that of Sandeep S/o Kamaljit Singh resident of H. No. 41, Near Govt. Girls School, Ramgarh, Panchkula. The statement of the brother of the deceased namely Sahil was recorded and DD Entry No. 17 dated 02.10.2023 was recorded. On 03.10.2023, said Sahil again reached in Police Post and got

his statement recorded and stated that the motorcycle bearing no. CH-01-BR-5446 belonging to the deceased Sandeep was found parked in the street near the Gurudwara of the village of the complainant. On inquiry at personal level, the complainant found that his brother Sandeep had gone to Panchkula with one Jaipal S/o Sukhdev and they talked to each other over the phone. His brother Sandeep left the home intimating that he was going to Morni T-Point but no clue was found of him thereafter. The mobile phone of his brother Sandeep bearing sim no. 8295194713 was switched off in the night. The complainant alleged that Jaipal was addicted to intoxicants since a long time and he was habitual in this regard. Said Jaipal purchased the intoxicants from the accused Rinku. He alleged that Jaipal administered the intoxicant to his brother Sandeep and left him there. It is as a result of intoxication that his brother Sandeep expired and Jaipal took his motorcycle to the village without any information to any person. Upon these allegations, the present FIR was registered (Annexure P-1)."

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. Counsel further 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

5. The State's counsel opposes bail and refers to the reply.

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

"9. That during investigation, CDR/CAF of the mobile No. 8295194713 of and mobile deceased asked Sandeep No.8278240727 of petitioner and mobile No.7009977181 of co-accused Rinku were sought. After perusing the same, it was found that the petitioner was in touch with the deceased Sandeep and on 01.10.2023, the petitioner has contacted to co-accused Rinku and purchased the contraband chitta/heroin from co-accused Rinku."

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REASONING:

7. 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 paragraph 2 of the bail petition, the petitioner has been in custody since 04.10.2023 and accordingly his custody in this FIR is 01 year & 10 months approximately. 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.
8. 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.
9. 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.
10. 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) | |
11. This order is subject to the petitioner's complying with the following terms.
12. 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.
13. 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.
14. 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, or commits any offence under the NDPS Act,

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where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

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

16. 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.”

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

(ANOOP CHITKARA)
JUDGE

21.08.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.