

CRM-M-19663-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19663-2025
Reserved on: 02.05.2025
Pronounced on: 19.05.2025

Ram Mehar and others ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pradeep Duhan, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Gopal Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
484	17.12.2024	Narnaund, District Hisar	108/3(5) of BNS

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 2 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:

“2. That the brief facts of the case are that on 17.12.2024, Police Station Narnaund received information that Jitender son of Ram Kishan had shot himself in his house and thereafter, police party reached at his house where Santosh wife of deceased Jitender disclosed that he had been taken to Hisar. Scene of crime was examined by "Scene of crime" team and a revolver, a live cartridge and an used cartridge along with blood strained pillow and tube were taken into police custody from the sport. Thereafter, police official reached at the Sapra Hospital Hisar where Amit son of deceased Jitender got his statement recorded to the effect that he got married to Meena daughter of Ram Mehar on 18th January 2021 and that they had a son aged 2 years. He



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alleged that after his marriage, his wife Meena began to unnecessarily harass him and his family members. Several family panchayats were held but Meena never changed her behavior. He stated that he had also filed a divorce case against Meena. He further alleged that Meena, Navneet, Rajender, Ram Mehar, Saroj, Jasvir were constantly harassing and threatening him and his family members. On 16.12.2024 at around 10:15 AM, Meena was dropped at their house by some of her family members and she forcibly entered into their house and set in the baithak (Drawing room). At that time, his mother and grandmother were present inside the house. When his father Jitender returned home, she began to fight with him and she threatened him that if she would be taken out of his house, she would get a false case of molestation registered against him. His father told him about the said incident and thereafter, they went to the office of Deputy Superintendent of Police, Hansi to move their application. Thereafter, his father went to the house of his grandfather Rajender. His father returned home in the night. On 17.12.2024 at about 6:30 A.M., when his father woke up, Meena was standing outside and hurling abuses at his father and mother. Being extremely hurt, his father shot himself in head with his licensed revolver. He alleged that his father had committed suicide being harassed by Meena, Navneet, Rajender, Ram Mehar, Saroj and Jasvir and he sought legal action against them. On the basis of above statement, police initially registered present FIR No. 484 dated 17.12.2024 under sections 108, 3(5) of BNS, 2023 was registered at Police Station Narnaund.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.
5. The State's as well as counsel for the complainant oppose bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That in compliance of the order vide dated 08.04.2025 of the Hon'ble High Court, present petitioners namely Ram Mehar, Saroj and Upender @ Navneet were join into the investigation of the case on dated 15.04.2025. All are recorded their disclosure statement in which they admitted that they threatened to Amit and deceased Jitender and their family. During the interrogation of the present petitioners, it has been found that on 16.12.2024, present petitioner No. 1 namely Ram Mehar left co-accused Meena to in front of the house of Jitender in the morning and came back. They further disclosed that they threatened to kill Amit if he will not be withdrawn the case which was pending in the court. Copy of disclosure statement of the present petitioner No. 1-accused namely Ram Mehar is annexed herewith as Annexure R-5.”

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7. Perusal of the reply clearly reveals that the petitioners did not provoke or ask Meena to level false allegations of molestation. There is specific allegation against Meena that when her father-in-law returned home, she wanted to shunted him out from his house and she threatened him of false case of molestation and there are no allegations against the petitioners. Thus the main allegation of the complainant that his father shot him dead was conduct of Meena and not the petitioners and they were named as associates of main accused, as such no ground is made out to deny bail to them.
8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role of the petitioners and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.
10. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make 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 petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioners 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)	

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4.	E-Mail id (If available)	
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- 14.** The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
- 15.** Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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.
- 16.** Given the background of allegations against the petitioners, it becomes paramount to protect the victim, 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioners shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.
- 17.** 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



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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.”

18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. It is clarified that if the petitioners violate 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 petitioners move 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 petitioners indulge in any non-bailable offense, the State may 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 Petitioners 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

19.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.