



CRM-M-20670-2025
IN THE HIGH COURT OF PUNJAB AND HARYANA
275 AT CHANDIGARH

CRM-M-20670-2025
Decided on: 28.04.2025

Pardeep @ Pankaj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. G.S. Dhindsa, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
548	30.08.2024	Krishna Gate, Thanesar	109, 308(2), 3(5), 351(3), 62 of BNS 2023 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, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	549	30.08.2024	287, 3(5), 309(4), 311, 351(3) of BNS 2023 and 25/29 of Arms Act	Krishna Gate, Thanesar

3. The facts and allegations are being taken from the order dated 03.04.2025 passed by the Additional Sessions Judge, Kurukshetra, which reads as follows:

“Facts of the prosecution case, in brief, are that on 26.08.2024, at about 07:45 P.M., the complainant, who runs a hotel in Patiala Bank Colony, went to the washroom in his hotel. When he came back to the reception, he



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found Amit @ Mitta, who lives in front of his house, along-with his friend Umesh @ Bablu there. Both of them showed him a country made pistol and demanded Rs.1 lakh, upon which he replied that he does not have the said amount. Thereafter, they asked the complainant to give Rs.10,000/-. The complainant got them into conversation and came out of the hotel and ran towards other side.

Further, on 29.08.2024, at about 08:30 PM, when the complainant was sitting at the reception of his hotel, three boys came on a motorcycle and stopped in front of his hotel and fired a gun shot upon the complainant with the intention to kill him, which hit the glass of the main gate of the hotel and thereafter, they fled away from the spot. The said boys were Amit @ Meeta, Umesh @ Bablu and Matru. They threatened to kill him and also demanded ransom. It is on the basis of these allegations the present FIR was registered.”

4. The petitioner's counsel submits that the matter has been compromised between the parties. On instructions, counsel submits that petitioner has no objection if this Court while granting bail imposes any stringent conditions including surrender of firearms, if any. He further submits that the petitioner shall not repeat the offence and would not involve himself in any offence where sentence is more than seven years and if he does so, they have no objection if the State files an application for cancellation of bail. Counsel further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail .

6. Memo of appearance on behalf of the complainant is taken on record. Counsel appearing for the complainant submits that they have no objection if the petitioner is granted concession of bail.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime but considering the fact that complainant has no objection to grant of bail, this



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Court does not deem it appropriate to keep the petitioner behind bars.

8. Per paragraph 4 of the bail petition, the petitioner has been in custody since 09.09.2024 and accordingly his custody in this FIR is more than seven months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the fact that matter has been compromised between the parties, there would be no justifiability for further pre-trial incarceration at this stage.

10. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner’s complying with the following terms.
14. 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.
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



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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 offence where the sentence is more than seven years, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the 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

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download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

28.04.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.