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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20371-2025

Reserved on : 09.07.2025

Pronounced on: 18.07.2025

AKASH

VERSUS

...PETITIONER

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mayank Goyal, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

Mr. Kushager Goyal, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
134	18.05.2021	Civil Lines Sirsa, District Sirsa	148/149/323/324/341/506 (Section 307 IPC, 1860 added later on) Sections 25/54/59 Arms Act, 1959

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 9 of the bail petition and para 18 of the reply, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"That brief facts of the case /FIR No. 134 dated 18.5.2021 under section 148/149/323/324/341/506 IPC and Section 25/54/59 Arms Act Police Station Civil Line, Sirsa has been registered on the statement of Balwan son of Jaibir, resident of Flat No.307-G, Sector-19, HUDA, Sirsa, wherein he has stated as under:-
"Stated that on 15.05.2021 at around 05:00 pm I was going from my house towards the main gate of the flat for some work, when someone informed me that about 10/15 boys are beating your son Bittu aged 16 years age, with sticks rods and swords, on which I reached at the road, in front of the closed shops of the shopping complex, then I saw that my son Bittu was attacked twice on both the hands with a sword by Nannu son of Fakir Chand, resident of Darba, due to which, both the hands of my son got injured and Ravi hit my son on the head and my son fell unconscious there itself. When I ran to reach my son Bittu, then among those boys Sahil alias Hakla son of Ramjane and Sagar son of Ramesh,

resident of Flat Sector 19 HUDA Sirsa and Sahil son of Fakir Chand, resident of village Darba District Sirsa stopped me on the way and put an unauthorized pistol on my chest and at the same time Rinku alias Zulfi, Ravi son of Bhajan Singh, resident of Flat Sector-19, HUDA, Sirsa along with their companion Nannu son of Fakir Chand, resident of village Dadwa, Akash son of Bhagirath, resident of Khajakera, Sandeep and Sandeep's brother named son of unknown, unknown (Rinku's maternal uncle) Shambu Khushiram son of unknown, Kalu Sorgar son of Raju, residents of flat Sector-19, HUDA Sirsa and 4/5 other unknown boys started beating me with sticks rods and swords and during this Sahil son of Fakir Chand, resident of Dadwa attacked me directly on the head with the iron rod that he holding in his hand, due to which I got injured on my head and fell down on the spot and while I was fallen, Rinku attacked me with a stick and Ravi and Nannu hit me with rod, after which I fell unconscious. I do not know who brought me to the hospital, but during the fight, all the accused were saying that today both the father and the son should not be left alive. They were repeatedly threatening to kill me and my son. All the above accused armed with sticks rods and swords have hit me and my son without any reason."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no evidence against the petitioner. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/work place, residence of the victim and he will not pressurize, induce, threaten the victim or his family members. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the co-accused, namely, Sagar has been granted anticipatory bail vide order dated 13.12.2024 passed in CRM-M-629136-2024 by Co-ordinate Bench of this Court.

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

REASONING:

6. No specific injury has been attributed to the petitioner and no weapon has been recovered from him.

7. Per paragraph 3(x) of the bail petition, the petitioner has been in custody since 01.02.2025. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 05 months and 07 days.

8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

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 other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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 Ilqa 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 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.

16. 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.

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 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. 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.

19. The 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.

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

21. 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.

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

18.07.2025
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(ANOOP CHITKARA)
JUDGE

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