

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20815-2025  
Reserved on: 01.09.2025  
Pronounced on: 09.09.2025

Dinesh ...Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Ms. Sakshi Khera, Advocate,  
for the petitioner. (through video conferencing).

Mr. Atul Gaur, AAG, Haryana.

\*\*\*\*\*

**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                                     | Sections                                           |
|---------|------------|----------------------------------------------------|----------------------------------------------------|
| 169     | 29.04.2024 | Faridabad Central, District<br>Faridabad (Haryana) | 186, 353, 307, 34, 120 B IPC<br>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. As per para 17 of the bail petition and as per para 16 of the status report, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Year | Offenses       | Police Station          |
|---------|---------|------|----------------|-------------------------|
| 1.      | 150     | 2024 | 25 of Arms Act | Special Cell, New Delhi |

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

*“2. That brief facts of the case are that present case was registered on the basis of complaint moved by SI Vijender Diwach alleging therein that barricading had been done in the area on the information received from Special Cell, at Delhi regarding possibility of appearance of a wanted criminal, namely Dinesh son of Jagdev, in District Courts, Faridabad on 29.04.2024 for commission of an offence. That he would also be armed with weapons alongwith others and that in case, he was intercepted, the wanted criminal could be arrested alongwith weapons. Accordingly, necessary arrangements, in furtherance of the crime and patrol duty, were made and District Courts Faridabad, was put under surveillance by the Team. At about 11:30 a.m. on the said date, a Scorpio car bearing registration number of Delhi (as detailed in the FIR) was found near the District Courts, which stopped as well in front of SI Parveen Yadav and*

*his Team. A boy got down from that car and started walking, who was identified by the secret informant, while sitting with the Police Team, to be the wanted criminal Dinesh of Village Ritholi Haryana. Secret informant was sent away and the accused was signalled to be apprehended and nabbed by the police who was asked to show his I.Card, but instead of doing, as directed, he shouted, at his companions sitting in the car 'police-police', and asked Golu, to run the car over the Police Team, which was approaching them from the front as well and the car approached towards him, HC Manish and Ct. Parveen with the intention to kill them and they somehow escaped themselves. On personal search of accused Dinesh, a country made pistol alongwith four live cartridges was found in his possession. A penal action was prayed for against the culprits. On the basis of complaint, present FIR No. 169 dated 29.04.2024, under Sections 186, 353, 307, 34, 120-B IPC and 25 of Arms Act, was registered at Police Station Central, Faridabad, District Faridabad.”*

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 his family.

5. 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 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 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.

6. The State's counsel opposes bail and refers to following portions of the status report, which read as follows:

*“12. That role of the petitioner/accused is that, he actively participated in the commission of offence. He was very much present at the spot. Petitioner/accused is a habitual offender as one more criminal case is already registered against him at Delhi. In pursuance of disclosure statement of petitioner/accused, country-made pistol and four live cartridges were recovered from his possession which further proves his involvement in the commission of offence. Petitioner/accused is a member of Bhahu gang and said gang is indulged in commission of many heinous crimes. There are serious allegations against the petitioner/accused.”*

**REASONING:**

7. This is a no-injury case, petitioner attempted to run over the police party, however, they escaped. 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.

8. As per paragraph 13 of the bail petition, the petitioner has been in custody since

30.04.2024. As per the custody certificate dated 31.08.2025, the petitioner’s total custody in this FIR is 01 year, 04 months and 02 days.

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.

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.

11. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

13. 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)                                                                                                             |  |

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

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 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.

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. 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.”

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

**(ANOOP CHITKARA)**  
**JUDGE**

**09.09.2025**

Jyoti-II

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |