

CRM-M-23321-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23321-2025
Reserved on: 14.07.2025
Pronounced on: 31.07.2025

Rahul Bhadana @ Sheru ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
167	16.03.2025	Suraj Kund, Faridabad, Distt. Faridabad	25 of Arms Act (offence u/s 25(6)(7) of Arms Act added later on)

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 8 of the bail petition, para 16 of the reply as well as custody certificate dated 12.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	320	2024	25-54-59 of Arms Act	Sector 29, Gurugram
2	542	2024	25-54-59 of Arms Act	Suraj Kund, Faridabad
3	591	2019	148, 149, 323, 506, 341, 120B & 307 IPC	Sector 17, Faridabad
4	466	2019	147, 148, 302, 307 & 120B IPC and Sections 25-54-59 of Arms Act	Daulana, Hapur U.P.
5	644	2019	323 & 506 IPC and Sections 25-54-59 of Arms Act	Suraj Kund, Faridabad
6	645	2019	25-54-59 of Arms Act	Suraj Kund, Faridabad
7	154	2017	307, 452 & 34 IPC	Rohini, Delhi
8	562	2017	363, 366A, 342, 354D, 506 & 120B IPC and 4 of POCSO Act	Suraj Kund, Faridabad
10	679	2017	25-54-59 of Arms Act	Suraj Kund, Faridabad
11	749	2011	33 Delhi Excise Act	Sunlight Colony, New Delhi

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

"2. That brief facts of the case are that present FIR was registered on the basis of a ruqqa sent by ASI Mustaq to the SHO, Police Station Surajkund, Faridabad, District Faridabad, the averments of which are reproduced hereunder:-

"To, The SHO, Police Station Suraj Kund, Faridabad, Jai Hind. Today, I, ASI Mustaq, ASI Narender and 3158 EHC Puran Mal 976 along with private vehicle with investigation bag were present at Surajkund roundabout, Faridabad for patrolling and crime detection when a special informer met and informed that there is a person named Rahul alias Sheru who is a resident of village Anangpur, Faridabad, who is a criminal type of person, who has been to jail many times before, who often keeps illegal weapon a country made pistol with him, which I have seen with him even today, whom I have seen roaming a while ago from Suraj Kund Road liquor shop on the road near Classic Garden Banquet Hall, who is wearing a blue half sleeve T-shirt and grey lower, who can commit a crime, if a quick raid is conducted then he can be caught with the illegal weapon. Considering the information to be true, discharged the informer and informed the fellow officer about the information, proceeded towards the place told by the informer and reached at the road in between Suraj Kund Road liquor shop to Classic Garden Banquet Hall, a person was seen standing wearing a blue half-sleeved T-shirt and grey lowers. I, ASI searched there for a private person to join the raiding party and to make him a witness, but no private person was found there. Following the BNSS 2024, I gave my mobile phone to ASI Narender for videography on one sakshya app and started the videography. I, ASI with the help of fellow employee EHC Puran Mal 976, arrested that person on the basis of suspicion. On asking the name and address of the arrested person, the person told his name as Rahul alias Sheru son of Prem Singh resident of village Anangpur, Police Station Suraj Kund, Faridabad, When the person Rahul alias Sheru was searched on the basis of suspicion, a country-made pistol from the left pocket of the lower he was wearing and a live cartridge were recovered from the right pocket of the lower and on removing the magazine of the pistol and checking it, the magazine was found empty. No cartridge was found in the magazine. When the license permit of the recovered pistol and the cartridge was asked from the person Rahul alias

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Sheru, he could not produce it. On measuring the recovered pistol, the length of the barrel was found to be 9.5 CM and total length was found to be 20.02 CM. The recovered pistol has a hammer attached to it, trigger and trigger guard and slide and magazine catch are attached below and on both sides of the butt, wooden like metal plates are fitted and stars are attached on both sides of the plates fitted on the butt. The country made pistol is made of iron. The length of the cartridge was found to be 2.5 CM and 7.65 KF is engraved on the base of the live cartridge. A separate sketch of the recovered country made pistol and cartridge was prepared and a parcel of the recovered country made pistol and live cartridge was prepared and put in the parcel and the parcel was sealed with the seal having inscription 'JS" and vide memo duly sealed parcel was taken into police possession as evidence. Seal after use was handed over to EHC Puran Mal. The person Rahul alias Sheru mentioned above has committed the offence under section 25-54-59 of ARMS Act by keeping illegal weapon country made pistol and live cartridge in his possession, hence a written complaint is being sent through EHC Puran Mal 976 at Suraj Kund Police Station for registration of case. After registration of case, number of the same be informed. An investigation officer be sent to the spot for further investigation. I, ASI along with my fellow employee along with the accused and recovered goods are present at the spot. Today: On the road between Suraj Kund Road liquor shop and Classic Garden Banquet Hall Latitude 28.48405 Longitude 77.27641. Sd/- ASI MUSTAK Crime Branch Central Faridabad Dated 16.03.2025 at 6.00 PM."

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, the State may file an application to revoke this bail as well as bail in other cases where petitioner has undergone custody less than half of the prescribed sentence, before the concerned Court having jurisdiction over these FIR(s), 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.

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

*“Role of Petitioner: -
That role of the petitioner/accused is that he is a hardened criminal and was working for an organized gang of Lakhan since deceased and was supplying arms and ammunition to the said gang. One countrymade pistol along with one live cartridge was recovered from the possession of petitioner/accused. He had conversation over telephone with the co-accused Pawan, who is brother of Lakhan, who is now running the said gang after death of Lakhan.”*

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.

8. Per paragraph 5 of the bail petition, the petitioner has been in custody since 16.03.2025. Per the custody certificate dated 12.07.2025, the petitioner’s total custody in this FIR is 03 months & 27 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 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

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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 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. 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.

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19. 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.

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.

(ANOOP CHITKARA)
JUDGE

31.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.