

CRM-M-23862-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23862-2025
Reserved on: 09.07.2025
Pronounced on: 24.07.2025

Sahil alias Ganja ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. V.B. Godara, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
277	17.06.2024	City Fatehabad, District Fatehabad	148,149, 323, 395, 427, 452, 506 IPC

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 16 of the bail petition as well as custody certificate dated 08.07.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	510	26.09.2022	294, 323, 34, 341, 506 IPC	City Fatehabad, Fatehabad
2	713	2023	323, 325, 341, 506, 34 IPC	City Dabwali, Sirsa
3	223	18.04.2022	147, 149, 323, 427, 436, 457, 506 IPC	City Fatehabad, Fatehabad
4	537	03.10.2023	21B/27A/29/61/85 of NDPS Act	City Fatehabad, Fatehabad
5	276	17.06.2024	147, 149, 323. 395. 427, 436, 452 IPC	City Fatehabad, Fatehabad

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

“That brief facts of the present case are that on 17.6.2024, ASI Rohtash

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Kumar alongwith SPO Surender was present in front gate of Mini Secretariat Fatehabad, then at that time complainant Subhash Chand son of Kirodimal met him and presented an application to the effect that "he and Satish Kumar son of Lakhmi Chand are residents of Gali No.3, Matu Ram Colony, Fatehabad. On 16.6.2024, he (complainant) and Satish Kumar had gone to work and his wife and daughter-in-law and children were at home and in his absence, at about 6:00 P.M., one Mohit and his friend Manjit and 35-40 other youths, who were carrying sticks, swords, gandasi, rampe etc., forcefully entered his house and hit the door of the house with bricks and broke the household items kept in the house with sticks and threw the children here and there mercilessly and beat them and also threatened to kill them. The above said assailants also took away an amount of Rs. 10,500/- from the cupboard kept in his room and also caused heavy damage to his brother's mother-cycle make Hero CD Deluxe bearing registration No.HR22S-9636 standing in the street outside his house by hitting with the sticks. They also entered in the house of his neighbour Satish Kumar son of Lakhmi Chand and broke the belongings and also caused damage to the belongings. After that, they completely destroyed two other motor-cycles standing outside the houses in the street and escaped by pelting stones in the street. The above said accused persons came to their house without any reason and broke the household goods. Now they (complainant) are facing a serious threat to their life and property from all the above youths. If they suffer any loss of life or property, the above said accused persons will be responsible. Complainant prayed for taking legal action against the accused persons". On the basis of the complaint of complainant, present case FIR No. 277 dated 17.06.2023 was registered under sections 148, 149, 323, 395, 427, 452, 506 of IPC registered at Police Station City Fatehabad against accused persons namely 1. Mohit and 2. Manjeet and investigation was carried out."

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 before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and

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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.

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

"6. That during investigation, complainant Subhash Chand, after examining the CCTV footage, identified the accused persons involved in the crime namely (1) Sant Kumar @ Mohit son of Krishan Kumar; (2) Sagar Balmiki, (3) Amni Balmiki, (4) Sahil @ Ganja (petitioner) son of Mahender Singh, (5) Pawan @ Siya son of Ram Singh and (6) Rahul @ Kau (co-accused) son of Ravi and Investigating Officer also recorded the supplementary statement (Annexure R-1) of complainant regarding identification of accused persons from CCTV footage.

7. That further investigation was carried out by ASI Ram Niwas No. 178 and during investigation, on 18.07.2024, co-accused Sant Kumar alias Mohit arrested in accordance with law and he suffered disclosure statement regarding his involvement in the present case alongwith other accused persons. Co-accused Sant Kumar alias Mohit disclosed (Annexure R-2) that "on 15.06.2024, Balraj alias Ballu son of Dharampal resident Bahbalpur district Fatehabad along with his friends shot Balraj alias Goli son of Raj Kumar resident of Kathmandi Harijan Colony Fatehabad in Satish Colony Fatehabad and during treatment, Balraj alias Goli died. Due to which, there was a lot of anger occurred between two communities and on 16.06.2024 a large crowd had gathered near the body of Balraj alias Goli near Red Light Chowk, Fatehabad and there was also lot of anger among all of us. On which, I (co-accused Sant Kumar), Sahil alias Ganja (petitioner-accused), Sagar Balmiki, Amani Balmiki, Pawan alias Siya and Rahul @ Kau (co-accused), Mohit alias Bachchi, Manjeet Jat, Kunal, Lala Banwari, Mohit alias Duli and others, with the intention of looting, burglary and vandalism, entered in the house of Subhash Chand son of Kirodi Mal resident of Matu Ram Colony, Fatehabad, pelted bricks and stones and looted the household goods with sticks and co-accused Manjeet Jat looted and took away Rs. 10,500 from Subhash's house and broken the motorcycles parked outside the house and threatened to kill him if they complained to police. At the time of the incident, I picked up bricks from the street and hit him. That day, I along with my friends, also entered in the house of Gulshan Jagga son of Gokal Chand resident of Rajiv Colony, Fatehabad, and vandalised it, robbed his father after injuring him."

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REASONING:

7. Allegations against the petitioner are serious in nature, but considering the custody undergone by the petitioner, this Court deems it appropriate to grant one opportunity to the petitioner to course correct. 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 6 of the bail petition, the petitioner has been in custody since 22.07.2024. Per the custody certificate dated 08.07.2025 the petitioner’s total custody in this FIR is 11 months & 18 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 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

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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. 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 Special Judge/ Sessions 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.

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

24.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.