

CRM-M-26762-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26762-2025
Reserved on: 09.07.2025
Pronounced on: 29.07.2025

Arjun ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	07.03.2025	Nissing, District Karnal	312, 331(6) of BNS 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. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the case of the prosecution in the nutshell is that instant FIR No.95 of 2025 was got lodged by the complainant Ravinder S/o Duli Chand by name against the petitioner, co-accused Rajesh Kumar S/o Salekh and Rohtash S/o Chheda on the allegations that on 07.03.2025 at about 5:30 AM, he saw in the CCTV that one person holding weapon trespassed inside his house. When he came out, the said trespasser boy targeted a country made pistol on the complainant. In the meantime, two other persons trespassed the house of the complainant and demanded jewelery and Rs.5 Lac from him. On alarming, the complainant's wife came and requested not to kill the complainant and offered to fulfill their demands. Meanwhile, complainant's son made a call to police at phone No.100.

CRM-M-26762-2025

After that some villagers reached there and on seeing them, the accused by hurling the weapons run away from the spot. The police also reach there and with the help of villagers apprehended the accused along with their country made weapons. FIR is already annexed as P-1 with the petition.”

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 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.

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

“That the role of the petitioner in the crime is that the petitioner along with co-accused Rohtash and Rajesh used to do manual labour work together and were known to each other very well. The co-accused Rajesh Kumar stated to them that he has 2 illegal weapons and 3 cartridges. After this, the petitioner and Rajesh made a plan to extort a lot of money from a rich person by threatening him with these illegal weapons. Co-accused Rajesh further stated that a place where he used to work a year ago has a lot of land and the rich man's house is also outside the village in a Dera where they can easily extort lot of money from him by threatening. Co-accused Rajesh took the petitioner and co-accused Rohtash from Hapur to village Pyaut by roadways bus in order to execute their plan, where on reaching near the Dera, co-accused Rajesh stated about the complainant's house where they have to commit loot. The co-accused Rajesh and Rohtash armed with loaded weapons and whereas the petitioner holding bag trespassed the complainant's house. The co-accused Rohtash and Rajesh threatened the complainant targeting by illegal weapons and demanded Rs.5 Lac and jewellery. On seeing the villagers coming at the spot, the petitioner, co-accused Rohtash and Rajesh ran away from the spot but they were caught by the police with the help of villagers. His disclosure statement is attached as annexure R-1 herewith.”

REASONING:

6. Allegations against the petitioner are that he threatened the complainant and

CRM-M-26762-2025

targeted him by illegal weapons and demanded Rs.5 lac and jewellery. 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.

7. Per paragraph 8 of the bail petition, the petitioner has been in custody since 07.03.2025. Per the custody certificate dated 08.07.2025, the petitioner’s total custody in this FIR is 04 months & 01 day.

8. 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.

9. 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.

10. 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.

11. 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)	

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

13. 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.

14. 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 (Crl.) 458); and Aparna

CRM-M-26762-2025

Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

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.

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

CRM-M-26762-2025

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

29.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.