

CRM-M-31009-2025-1-

121IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31009-2025
Date of decision: 29.05.2025

HARDEEP...PETITIONER

VERSUS

STATE OF HARYANA...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Saurabh Dalal, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
422	28.11.2024	Sampla, Rohtak	316(2)/318(4)/319/61(2) of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 12 of the bail application, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	65	03.03.2025	109(1)/115/118(1)/3(5)/ 351(3) of BNS, 2023	IMT, Rohtak

3. Counsel for the petitioner submits that the petitioner's bail was granted bail vide order dated 20.02.2025 passed by this Court in CRM-M-63872-2024 and due to violation of bail condition mentioned in para No.15 that in case he commits any other offence, his bail can be cancelled, trial Court cancel his bail for the reasons of his involvement in FIR No.65 dated 03.03.2025, under Sections 109(1)/115(2)/118(1)/351(3)/3(5) BNS, PS. IMT, Rohtak registered against the petitioner. He further submits that now he is enlarged on bail in that FIR vide order dated 28.04.2025 passed by Additional Sessions Judge, Rohtak. On instructions, he further submits that in case, this Court grants bail to the petitioner, he undertakes to live like a decent human being and a civilized member of the society. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where sentence imposed is more than 07 years and he would have no objection, if State files an application for

cancellation of his bail in all other FIRs pending against him. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

2. The State’s counsel opposes bail on instructions and submits that present bail petition is not maintainable as petitioner is required to challenge the order whereby his bail was cancelled.

REASONING:

3. Petitioner was granted bail in this FIR earlier now after cancellation of bail, he came again for bail and also undertake not to repeat the offence. However, petitioner did not challenge the order of cancellation of his bail but keeping in view the undertaking, this Court think appropriate to grant bail to petitioner. However, the order dated 02.05.2025 passed by the Additional Sessions Judge, is well reasoned and this Court appreciate the decision of the officer/Court. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

4. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

5. 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)	

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

7. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the



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investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

9. ***This 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 in this case as well as in FIR No.65 dated 03.03.2025, under Sections 109(1)/115(2)/118(1)/351(3)/3(5) BNS, PS. IMT, Rohtak which shall be at liberty to cancel this bail.***

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

11. 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.

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

29.05.2025
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(ANOOP CHITKARA)
JUDGE

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