

311 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29123-2025
Reserved on: 09.07.2025
Pronounced on: 31.07. 2025

ROHIT CHHIKARA ...PETITIONER
VERSUS
STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Ravi Kumar Girdhwal, Advocate for the petitioner.
Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
149	03.05.2025	Line Par, Bahadurgarh, District Jhajjar	55/60(i) of BNS and 25/54/59 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. Per paragraph 13 of the bail petition, the petitioner declares that he has no criminal antecedents. However, in para 16 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	172	03.05.2025	25(1b)(a)/29/54/59 of Arms Act and Sections 55/61(2) of BNS	City Bahadurgarh

3. The facts and allegations are being taken from the status report dated 05.07.2025 filed by the State, which reads as follows:

“ That the facts leading to registration of present FIR are that on 03.05.2025, complainant HC Sonu No. 1354/JJR, CIA-I, Bahadurgarh moved his written complaint in the manner that," To, SHO Sir, Police Station Linepar Bahadurgarh Jhajjar Jai Hind Today I, HC along with ASI Haribal 770, EHC Sachin 1548 along with private vehicle with laptop and printer were present near Civil Hospital Bahadurgarh for

patrolling and investigation of crime when a special informer met and informed that Rohit son of Pravesh resident of Chhikkara Colony, Linepar Bahadurgarh is carrying an illegal pistol with him. He is currently standing near Bijli Powerhouse Chowk, Chhikkara Colony Bahadurgarh waiting to go somewhere; if an immediate raid is conducted then he can be caught along with the illegal pistol. I, HC informed fellow employees about the information given by the special informer and I HC along with fellow employees and the special informer reached near Bijli Powerhouse Chowk, Chhikkara Colony Bahadurgarh in a private vehicle. The special informer pointed towards a young boy standing there from a distance and said that this boy is Rohit son of Pravesh resident of Chikkara Colony Linepar Bahadurgarh. He has an illegal pistol. After giving appropriate instructions from the special informer, I HC send the special informer. The passersby who were coming and going on the spot were told about the circumstances of the case and asked to join the investigation but all of them expressed their helplessness and left the spot. Only one person Karamveer son of Khusiram resident of Ashok Nagar Linepar Bahadurgarh agreed to become a witness and he has been included in the investigation. When the HC with the help of fellow officials caught the person on the basis of suspicion and asked his name and address, the person told his name as Rohit Chikkara son of Pravesh resident of Gali No. 2 Chikkara Colony Linepar Bahadurgarh. When the HC searched the above mentioned person Rohit Chhikkara son of Pravesh resident of Chhikkara Colony Linepar Bahadurgarh on the basis of suspicion, a country made revolver was found in the left pocket of the black lower worn by him. When the HC opened the country made revolver from the left pocket and checked it, 5 live cartridges were found in the country made revolver. On being asked by the HC, the person Rohit Chhikkara could not produce any license or permit for the above mentioned country made pistol and 5 live cartridges. When the HC prepared separate sketches of the country made revolver and 5 live cartridges and measured them, the length of the barrel of the country made revovlver was 9.5 CM, the length of the body was 20 CM and the length of the butt was 8 CM and KF 7.65 was found written on the 5 live cartridges. There are cut strips on both sides of the butt of the pistol. Which HC had put the revolver and 5 live rounds in a plastic box and prepared a separate box with seal VP/1 after getting its full seal affixed, the seal was handed over to ASI Haribal 770/JJR. The recovered country made revolver and 5 live cartridges were taken into police possession as evidence. The accused and the witness put their

signatures on the report. The above mentioned accused Rohit Chhikkara has committed the offence under section 25 (1B) (a), 54, 59 of Arms Act by keeping the country made revolver and 5 live cartridges in his illegal possession without license and permit.”

4. Counsel for the petitioner submits that the petitioner is 20 years of age and he has been falsely implicated in the present FIR. The petitioner's counsel 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 the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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:

“ That the present petitioner was actively involved in the present offence as one country made revolver and 5 live cartridges were recovered from his illegal possession. That the present petitioner along with co-accused was involved in the conspiracy of murder of one Manjeet.”

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 03.05.2025. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 02 months and 03 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 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 Illaqa 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.

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. **The 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, which shall be at liberty to 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. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07. 2025
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Whether speaking/reasoned: Yes
Whether reportable: No.