

CRM-M-34021-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34021-2024
Reserved on: 07.07.2025
Pronounced on: 22.07.2025

Sobhit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Neeru Bansal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
201	17.07.2022	Civil Line, District Jind	186, 307, 34, 353 IPC, Section 3 of PDPP Act and Section 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents, however per custody certificate dated 06.05.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	126	2014	---	Greater Kailash, South Delhi
2	615	08.07.2022	307, 202, 201, 120B, 34 IPC and 25/54/59 of Arms Act	Assandh, Karnal

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

“That on 17.07.2022, Mohan Lal, Incharge, came to the police station Civil Line Jind complaint stating that on 08.07.2022. three young boys arrived on a Bullet motorcycle outside Minakshi Hospital, Assandh Distt. Karnal, and fired gun shots into the air before fleeing from the scene and

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consequent to which a FIR No. 615 dated 08.07.2022 was registered under Sections 307 and 34 of the IPC and Section 25-54-59 of the Arms Act at Police Station Asandh Distt. Karnal. A Special Investigation Team (SIT) was constituted to investigate the matter and on 16.07.2022, Mohan Lal, Inspector-In charge CI-2 Karnal along with his team, received secret information regarding the assailants, following which two raiding parties were formed. At about 11:45 PM, when they reached an empty house situated on Nirjan-Pindara road, they spotted two boys on the terrace. They informed the boys that the police had surrounded them, but the boys attempted to flee. One of them fired at the police vehicle, causing the bullet to break the glass and pass near the ear of an officer, striking the back seat. SI Surender then fired into the air to stop them. The second boy fired at SI Surender, who took cover behind a tree. In response, SI Surender fired at the boy's leg. The second assailant tried to fire again, prompting SI Surender to shoot at his hands. Both individuals were subsequently apprehended and taken to the government hospital in Jind for treatment. Mohan Lal, Inspector-In-Charge of CI-2, Karnal, further stated in his complaint that both boys opened fire directly at the raiding police party with the intent to kill the officers. They caused damage to government property by shattering the windshield of the police vehicle with gunfire and obstructed government officials in the discharge of their duties. He has requested strict legal action against both assailants.”

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 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. 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 with regards to complicity of the petitioner in the instant case is concerned, it is submitted that during the course of the investigation sufficient incriminatory evidence have come on the case file, further, There

is specific allegations against the petition/accused that he alongwith his co-accused Mohit attacked upon the police party with the pistol. He is alleged to be a part of gang who remains involved in such type of activities. The allegations against the applicant/accused are serious in nature. The evidences available on the case file shown the association of the accused-petitioner with criminal gang and their involvement in the organized crime of criminal gang.”

REASONING:

7. Allegations against the petitioner are serious in nature. He along with co-accused fired upon the police party, however there is no injury to anybody. Considering the custody undergone by the petitioner i.e. approximately three years as well as the undertaking given by the petitioner, this Court is granting bail to the petitioner.
8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
9. Per paragraph 11 of the bail petition, the petitioner has been in custody since 18.07.2022. Per the custody certificate dated 06.05.2025 the petitioner’s total custody in this FIR is 02 years, 09 months & 17 days.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie 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.
11. 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.
12. 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.
13. 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)	

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14. This order is subject to the petitioner's complying with the following terms.

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

17. 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.

18. 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."

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19. 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.

20. 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.

21. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

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

23. 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.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.