

264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31492-2025
Reserved on : 14.07.2025
Pronounced on: 22.07.2025

SURAJ ALIAS DHANIA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ranbir Singh Pathania, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
299	20.08.2024	Civil Lines, Hisar	312/313/3(5) of BNS, 2023 and Sections 25(1B)(a) 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 9 of the bail application and the reply/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	1017	26.10.2022	323/324/341/427/506/120-B and 34 of IPC	HTM, Hisar
2.	413	18.07.2022	25 of Arms Act	Civil Lines Hisar
3.	704	22.11.2022	148/149/307/387/506 of IPC and Section 25 of Arms Act	Urban Estate, Hisar

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

" To the State House Officer, Police Station Civil Lines Hisar, Jai Hind, Today on 19.08.2024 I, PSI Pardeep alongwith EHC Anil Kumar No.1471/Hisar, Ct. Ravin No.1650/Hisar, Ct. Bittu No.1635, having my personal laptop and printer were on patrolling duty in government vehicle No. HR-20GV-4341 which was driven by Ct. Phool Singh No.793/Hisar. At that time one secret informer met me and informed that 04 youths are clandestinely hiding themselves in the bushes on the road side near sector 16/17 Bye-pass road and were planning to rob the passersby. If a raid is conducted, they could be apprehended on the spot. Acting on the

information and sharing the same with fellow police officials and a raiding party was prepared. Passersby were intimidated regarding the information shared by the secret informer and they were requested to join in investigation of the case, but all left without disclosing their name and address. After this I, PSI alongwith raiding party left for the spot and parked the vehicle at the Canal bridge and concealed our selves. Thereafter we reached near the 4 youths who were sitting in a group in a torch light. I heard their conversation and they were talking to each other, that you give a torch signal to the vehicle and ask them to stop, in the meantime one will aim the pistol from the driver side, he was instructing the other person to aim his pistol from other side and whatever articles they have, we will loot the same. While they were having this conversation, I with the help of raiding party apprehended these youths and enquired their name & addresses. The first youth disclosed his name as Suraj @ Dhania son of Suresh, resident of Kranti Nagar Hisar, the second youth disclosed his name as Rahul @ Golden son of Anil @ Lalli, resident of House No.7, street No.10, Patel Nagar, Hisar, the third youth disclosed his name as Prithvi @ Gulla @ Tinku son of Sanjeev, resident of near Hanuman Mandir, Shanti Nagar, Hisar and the fourth youth disclosed his name as Samir @ Aaloo son of Mahender, resident of kranti Nagar Hisar. On physical search of the apprehended boys illegal pistol make 12 bore was recovered from accused Suraj @ Dhania, it was opened and checked which was found empty. On checking Prithvi @ Gulla @ Tinku an illegal pistol of 12 bore was recovered, it was opened and checked which was found empty. On checking of petitioner/accused Rahul @ Golden a small size torch was recovered and on checking of Samir @ Aaloo a knife was recovered from him. That the recovered weapons & parcels were taken into police possession vide separate recovery memos. Since the accused Suraj @ Dhania, Rahul @ Golden, Prithvi @ Gullu @ Tinku and Samir @ Aaloo conspired to loot the passerby by using illegal Arms, hence, they were found to have committed offence under sections 312, 313, 3(5) of BNS and Section 25(1-B)(a) of Arms Act and accordingly the present case/FIR No.299 dated 20.08.2024 under section 312, 313, 3(5) of BNS and Section 25(1-B)(a) of Arms Act was registered at P.S. Civil Lines Hisar, District Hisar.'

4. Counsel for the petitioner submits that the no specific role has been attributed to the petitioner and country made pistol with empty cartridge was recovered from him. He is in custody since 19.08.2024. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/work place, residence of the victim and he will not pressurize, induce, threaten the victim or his family members. 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. He further submits that the co-accused, namely, Rahul @ Golden has been granted concession of regular bail vide order dated 14.05.2025 passed on CRM-M-11544-2025.

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 as far as specific role of the petitioner/accused is concerned, the petitioner/accused is mentioned by name in FIR and he was apprehended by the police while he in connivance with other co- accused namely Samir @ Aaloo, Rahul @ Golden and Prithvi @ Gullu @ Tinku was hatching a criminal conspiracy to commit robbery from the passerby. The petitioner/accused alongwith co-accused Samir @ Aaloo, Rahul @ Golden and Prithvi @ Gullu @ Tinku were apprehended red handed and one illegal pistol was recovered from the petitioner/accused."

REASONING:

7. Allegations against the petitioner are that he along with other co-accused made a planning to commit robbery. The police party caught them red handed and a country made pistol with empty cartridge was recovered from the petitioner. Trial will take considerable time, as such, there is no reason to deny bail to the petitioner.
8. 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. As per paragraph 6 of the bail petition, the petitioner has been in custody since 19.08.2024. Per the custody certificate dated 13.07.2025, the petitioner’s total custody in this FIR is 10 months and 23 days. 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 Ilqa 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 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.
15. 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.”
16. This bail is conditional, with 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.
17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. 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.

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

22.07.2025
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(ANOOP CHITKARA)
JUDGE

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