

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34959-2025
Reserved on: 11.07.2025
Pronounced on: 28.07.2025

Vinod @ Darling

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
122	31.03.2024	Civil Lines, District Sirsa	147, 148, 149, 323, 324, 341, 506, 120-B IPC (charges framed under Sections 148, 149, 323, 325, 341, 379-B, 201 IPC vide order dated 13.11.2024.

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 10 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	240	26.05.2024	324, 379-B IPC	Civil Lines, Sirsa

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Ziledar son of Chuttkayu resident of Nakhara police station Karnailganj district Gonda UP age 30 years Mob: 96704xxx, I would like to state that I am resident of the above noted address and I am doing the work of selling Ice cream of Vadilal Ice Cream Company and am a contractor of hawkers. I set up my ice cream cart at Bhuman Shah Chowk Sirsa.

Vikram son of Gend Lal R/O Kashipur UP, is a contractor of Havmor Ice Cream Company. Vikram is the incharge of all the hawkers of Havmor Company. Wherever I set up my cart, Vikram also sets up his cart there and keep on restraining me.

On 29.03.2024 I had set up my cart at Bhuman Shah Chowk Sirsa and Vikram told me that your boy has kept his cart at the place of cart of my boy and in this regard Vikram argued with me

Thereafter when I was coming to my room on my Cart, at around 11.15 PM, 05 boys were standing on two motorcycles on the road near old court complex on Bal Bhavan Road who stopped me and asked ice cream from me and when I was taking out the ice cream, all of them attacked me and one of the boys had given blows of his sharp edge weapon on my head, due to which I fell down on the ground and raised noise, then the said boys ran away from the spot.

On receiving information about this incident, my associate Manish son of Shiv Parshad resident of Brayan reached at the spot and got me admitted in hospital.

The motive behind the grudge is that Vikram used to quarrel me regarding the sale of ice Cream, due to which Vikram has caused me injuries by sending his associates and I can identify the said persons on appearing before me.

The doctor of Government Hospital Sirsa has referred me to Agroha and after discharging from Civil Hospital Agroha, I came at my room. During this quarrel, my mobile and some amount is missing and I found Rs. 390/- from near place of my Cart. Strict legal action be taken against Vikram and his associates by inquiring about them.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail on instructions.

REASONING:

6. 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 13 of the bail petition, the petitioner has been in custody since 22.07.2024. As per the custody certificate dated 10.07.2025, the petitioner’s total custody in this FIR is 11 months and 20 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.

7. 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.

8. 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.

9. 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)	

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

11. 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.

12. 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, which shall be at liberty to cancel this bail.

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

14. 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.

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

(ANOOP CHITKARA)
JUDGE

28.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.