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CRM-M-38121-2025

Decided on: 18.08.2025

Paras

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

Dr. Jasmine Gill, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	08.05.2025	Saha, District Ambala	115(2), 126(2), 190, 191(3), 351(2) BNS 2023 (Sections 61(2), 117(2), 110 BNS added later on)

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. In paragraph 11 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that on dated 07.05.2025, the complainant namely Govind Singh son of Chhajju Ram r/o Vill. Samalheri, PS Saha, Ambala came present in the police station and moved an application bearing No. 292-Dasti dated 07.05.2025 alongwith MLR No. CHCM/HS/1138 dated 07.05.2025 (pertains to Preet Singh), MLR No. CHCM/HS/1139 dated 07.05.2025 (pertains to Aditya), the complaint of complainant was endorsed in the Roznamcha of the Police Station at 23:49 hrs vide DDR No. 47 dated 07.05.2025, wherein, he has alleged



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that alleging therein that "I am permanent resident of district Ambala, we are two brothers. My younger brother Nirmal Singh has two sons Preet Singh age 16 years and Aditya age 14 years, both of them study in the village government school Preet Singh 10+2 and Aditya 10th class. Every day usually they come and go to school on their motorcycle. Today on 07.05.25 my nephews Preet Singh and Aditya after school at 02.30 PM were going to their home at their Dera on their motorcycle via Miththapur on Kharukheda road. When my elder nephew tof Police Preet Singh was driving the motorcycle and reached about 500 meters from the government school, three boys on a motorcycle and 4/5 boys in a white car stopped my nephews' motorcycle and quarreled and attacked them with sticks and rods and injured my elder nephew Preet Singh on the head, neck and stomach and my younger nephew Aditya in the right leg, arm and back and other parts of the body. I came to know that Tejas son of Devdatt resident Samlehari and Priyansh son of Billa resident Mithapur and Aarav son of Depati resident Samlehari and some of their other companions 4/5 names and addresses are unknown together attacked my nephews and injured them and threatened to kill them. Legal action be taken against the above mentioned persons and I am submitting the copy of MLRs of my nephews Preet Singh and Aditya along with the complaint."

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 further 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 following portion of the reply, which read as follows:

"That as far as the role of the accused-petitioner in the commission of present crime concerned is that as per the disclosure statements of the co-accused and the statement of injured Preet Singh and Aditya, who are



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studying in Government School in 10+2 and 10th Class respectively and they used to go to school on motorcycle. On 07.05.2025, at about 2:50 P.M., his both nephews Preet Singh and Aditya were returning to their house on the motorcycle after attending their school and when his elder nephew Preet Singh reached just 500 meter ahead from the school, at that time three boys came on one motorcycle and 4-5 boys came in a car and they stopped the motorcycle of his nephews and started giving beatings to Preet Singh with danda, Binda on his head, neck and stomach and also inflicted injuries on his right leg and left arm and back of younger nephew Aditya and these injuries have been inflicted by accused-petitioner in connivance with co-accused persons Tejas, Priyansh, Aarav and their 4-5 other companions.”

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.

7. Per paragraph 10 of the bail petition, the petitioner has been in custody since 28.05.2025. Per the custody certificate dated 16.08.2025, the petitioner's total custody in this FIR is 02 months & 19 days.

8. Given the petitioner being a young boy aged 18, which are one of the most formative years of life, 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 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.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:



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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.”



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16. 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.

17. 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.

18. 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, the State shall 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 as per their discretion, they may cancel this bail.

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

20. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

18.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.