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CRM-M-38832-2025
Date of decision: 01.08.2025

...PETITIONER

...RESPONDENT

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Abhimanyu Singh and
Mr. R.S. Bagga, Advocate for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

FIR No.	Dated	Police Station	Sections
257	18.03.2021	Kharkhoda, District Sonapat	148/302/452/149/120-B of IPC and Sections 25/27 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 for six months on medical grounds.
2. Per paragraph 17 of the bail application and the custody certificate dated 29.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	55	2017	365/364/302/201/450/511/212 IPC	Sadar Sonipat, Sonipat
2.	44	2017	364/365/302/201/420/511/120-B/511 IPC	Gohana, Sonipat
3.	191	2021	307/120-B IPC	City Sonipat.



				Sonipat
4.	129	2021	25/27/29/54/59 of Arms Act	Sadar Sonipat, Sonipat
5.	127	2021	25/27/29/54/59 of Arms Act	Sadar Sonipat, Sonipat

3. The facts and allegations are being taken from the order dated 17.07.2024 passed by Additional Sessions Judge, Sonapat (Annexure P-11), which reads as follows:

“On 18.03.2021 at about 1 p.m, she and her husband Krishan were present at home and they heard voice from gate side Tau-Tau and her husband opened the gate. There were standing 8-10 persons outside the Gate and abruptly they came inside and started firing upon her husband. Her husband rushed from gate towards inside room and then all 8-10 persons fired shots towards the room side due to fear, where her husband entered and he received bullet injuries on his shoulder, abdomen, chest and other organs. She raised suspicion about old enmity with one Muniya of her village and he along with co-accomplices and his brother Varjesh, friends Ram Karan Baiyanpur, Naresh, Jasbir, Ramesh Nayabans, Rajesh Sarkari, Neetu Khanda, Pona Madina, Ashish, Vicky Chitana, Parvinder wife of Satyawan, Sonu Malik Gandhra, Shashi Parkash, Advocate, Mahesh posted in Haryana Police, Smt. Aarti wife of Sonu Malik, mother of Muniya, Anand Gandhra in collusion with each other, murdered her husband by firing multiple shots. They all connived with each other, got murdered her husband by 8-10 persons. About three months ago, Sonu Malik and Mahesh {who is working in Haryana Police} gave threat to her husband for dire consequences and so, action be initiated against them.”

4. Mr. Vinod Ghai, Sr. Advocate for the petitioner submits that petitioner was granted interim bail on the medical grounds vide order dated 19.07.2024 passed in CRM-M-34642-2024. He further submits that petitioner is suffering from high-grade brain tumor and although, on the safer side, he made a prayer for bail for 06 months or until the pendency of the trial for the reasons that petitioner is suffering from brain tumor. 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. He further submits that in case, petitioner is unable to appear in the trial Court, he would be representing through counsel and he would not claim of any prejudice in this regard before the trial Court.

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

REASONING:

6. Given the medical condition of the petitioner, this Court is of the view that bail can be granted to him for treatment keeping in view his medical condition. This Court cannot ignore the fact that due to non-availability of specialized treatment or timely intervention,

anything could happen to petitioner in custody.



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 for six months.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on interim 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:

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 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 (CrI.) 458); and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

15. 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.

16. 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."

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, and the foundational condition is that if the petitioners indulge 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.**

19. Petitioner to surrender in the prison on or before 31.01.2026 at 11:00 AM.

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

21. 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

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its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

01.08.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.