

CRM-M-39026-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39026-2025
Reserved on: 01.09.2025
Pronounced on: 12.09.2025

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner (through V.C.).

Ms. Jasmine Gill, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
134	18.05.2021	Civil Lines, District Sirsa	148, 323, 324, 307, 506 r/w 149 IPC and 25 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 petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“Stated that on 15.05.2021 at around 05:00 pm I was going from my house towards the main gate of the Flat for some work, when someone informed me that about 10/15 boys are beating your son Bittu aged 18 years, with sticks, rods and swords, on which. I reached on the road in front of the closed shops of the Shopping complex, then I saw that my son Biltu was attacked twice on both the hands with a sword by Nannu son of Fakir Chand, resident of Darba due to which, both the hands of my son got injured and Ravi hit my son on the head and my son fell unconscious there itself. When I ran to reach my son Bittu, then among those boys Sahil alias Hakla son of Ramjane and Sagar son of Ramesh, resident of Flat Sector 19 HUDA Sirsa and Sahil son of Fakir Chand, resident of Village Darba District Sirsa stopped me on the way and put an unauthorized pistol on my chest and at the same time Rinku alias Zulfi, Ravi son of Bhajan Singh, resident of Flat Sector-19, HUDA, Sirsa along with their companion Nannu son of Fakir Chand, resident of village Dadwa, Akash son of Bhagirath, resident of Khajakera, Present petitioner-Sandeep and Sandeep's brother named unknown (Rinku's maternal uncle) Shambu son of unknown, Khushiram son of unknown,

Kalu Sorgar son of Raju, residents of flat Sector-19. HUDA Sirsa and 4/5 other unknown boys started beating me with sticks rods and swords and during this Sahil son of Fakir Chand, resident of Dadwa attacked me directly on the head with the iron rod that he holding in his hand, due to which I got injured on my head and fell down on the spot and while I was fallen, Rinku attacked me with a stick and Ravi and Nannu hit me with rod, after which I fell unconscious. I do not know who brought me to the hospital, but during the fight, all the accused were saying that today both the father and the son should not be left alive. They were repeatedly threatening to kill me and my son. All the above accused armed with sticks rods and swords have hit me and my son without any reason.”

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.

5. The petitioner's 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“20. That however the present petitioner is very much involved in the commission of heinous crime in the present case. Petitioner alongwith the co-accused made a plan to attack upon Bittu & Balwan and in furtherance of their plan, petitioner and other co-accused caused Injuries with deadly weapons upon the injured. Petitioner was armed with Danda at the time of occurrence & he with the common intention to kill Bittu & Balwan have caused injuries to them, therefore the petitioner is involved for commission of heinous crime.”

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.

9. Per paragraph 5 of the bail petition, the petitioner has been in custody since 30.01.2025. Per the custody certificate dated 30.08.2025, the petitioner's total custody in this FIR is 07 months and 01 day. Co-accused with similar role have been granted the concession of regular bail vide order dated 21.10.2021 by the trial Court.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner's clean antecedents and the

other factors peculiar to this case, there would be no justifiability for 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

13. 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.

14. 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)	

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

16. 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.

17. 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.

18. 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.

19. 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."

20. 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.

21. 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.

22. 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.

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

24. 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.

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

(ANOOP CHITKARA)
JUDGE

12.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.