

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41684-2025
Reserved on: 07.08.2025
Pronounced on: 12.08.2025

Aman Choudhary

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasbir Singh Bazaad, Advocate for
Mr. Pradeep Duhan, Advocate,
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
163	21.09.2021	Loharu, Distt. Bhiwani	147, 149, 323, 365 IPC

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 11 of the bail petition, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Year/ Dated	Offenses	Police Station
1.	141	2016	341, 323, 34 IPC	Rajgarh
2.	35	2017	341, 323, 325, 34 IPC	Pilani
3.	5	2019	341, 323, 427, 382 IPC	Pilani
4.	47	2019	323, 452, 325, 506, 34 IPC	Loharu
5.	141	2019	341, 323, 34 IPC	Rajgarh
6.	359	2020	341, 323	Surajgarh
7.	53	14.02.2022	147, 148, 149, 323, 325, 307, 395, 427, 506 IPC	Jobner Jaipur Rural
8.	54	14.02.2022	456, 323, 427, 504 IPC	Jobner Jaipur Rural
9.	55	14.02.2022	147, 148, 149, 458, 384, 427, 504, 506, 395, 307 IPC	Jobner Jaipur Rural
10.	56	14.02.2022	147, 149, 307, 504, 452 IPC and 25 of Arms Act	Jobner Jaipur Rural
11.	433	2023	147, 148, 149, 341, 323, 427, 458 IPC	Pilani

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 Pawan son of Satveer, resident of Kushalpura, Tehsil Loharu, Dist. Bhiwani, aged 40 years, Mobile No.98128xxxx, declared that I am a resident of the above mentioned address. I do work of agriculture. Yesterday on 20.9.2021 at about 8 PM, I was at my home when Monu son of Jaiprakash village Pipli (Rajasthan), standing outside my house called me and when I came out and he started saying that a year ago you took my car somewhere and caused an accident, give me the money for that. I said that I have already got the work done of your car; why I will give the money. On this matter, Monu S/o Jaiprakash, Yaman Dudhi, Suter barber's son, village Dobda (Rajasthan) and Ajay Bhandwa and Sudhir Modasiya all of them caught me and made me sit in a Bolero car and took me from Kushalpura to the fields of Bhandwa, Police Station Badhada where all of them beat me badly with sticks and gave fist and kick blow and made me sign a blank pro-note, then they took me to my maternal uncle's son Surender son of Dhan Singh village Nava (Bhainsali) currently living in Pilani and after taking Rs.1,60,000, they left me at Pilani. My maternal uncle's son Surender brought me to CHC Loharu by arranging an ambulance where after treatment, the doctor referred me to GH Bhiwani due to severe injuries. I met you on the way near Gignau. I have got recorded my statement to you so that legal action can be taken against all these people.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that the petitioner was earlier on bail and due to non-appearance, his bail was cancelled and now he is in custody from 20.03.2025.

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 on instructions.

REASONING:

7. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 16.10.2023, passed by the trial Court. After that, non-bailable warrants as well as proclamation were issued against the petitioner and he was declared proclaimed person by the trial Court vide order dated 04.10.2024.

8. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

9. 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 pre-trial incarceration at this stage.

10. 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.

CONDITIONS:

11. 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.

12. 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)	

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

14. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

15. 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.

16. 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.

17. Given the background of allegations against the petitioner, it becomes paramount to protect 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability

and not of evidence of certainty, i.e., beyond a 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 today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under 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.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

12.08.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.