

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43345-2025
Reserved on: 09.09.2025
Pronounced on: 16.09.2025

Sarfaraz @ Munna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anmol Sharma, Advocate,
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	03.07.2024	Sadar Jagadhari	115, 117(3), 190, 191(3), 351(2), 351(3), 109(1), 324(4), 61(2) of BNS 2023

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. As per paragraph 18 of the bail petition and as per paragraph 24 of the reply/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	181	15.07.2024	148, 149, 323, 325, 341, 506 IPC	Chhachhrauli
2.	299	07.12.2021	21-B, 29 of NDPS Act	Chhachhrauli
3.	303	01.08.2024	25 of Arms Act	Sector-17, HUDA, Jagadhri

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That in this regard, it is submitted that on 02/07/24, information was received telephonically at Police Station Sadar Jagadhri from Civil Hospital Jagadhri that injured Rameshwar Dass s/o Kartara Ram r/o Shahpur was admitted due to injuries sustained in a quarrel, who has been referred to MLGH Yamunanagar for further treatment. After receipt of information, police reached at Civil/ MLGH Hospital, amuna Nagar. After reaching there MLR No. MLR/CHJ/SS/225/2024, dt. 02/07/24 of the above injured Rameshwar Dass was collected. In the said MLR, the doctor mentioned total 11 injuries, out of which injury no. 1 ADV NCCT HEAD AND SURGEON OPINION, injury no. 2,3,4,5,6,7,8,9,10 and 11 ADV X-

RAY and ORTHO OPINION and all injuries are BLUNT. On the night of 02/07/24, information was received from Sindhu Hospital Jagadhri that injured Rameshwar s/o Kartara Ram has been admitted for treatment, on this police reached at Sindhu Hospital Jagadhri and moved an application regarding fitness of injured to make statement. The doctor declared the injured Rameshwar Dass unfit to give statement. After that police again reached at Sindhu Hospital, Jagadhri and moved an application regarding fitness of injured to make statement. On this doctor declared the injured Rameshwar Dass fit to make statement. On this statement of above named Rameshwar Dass was recorded. In his statement, the injured Rameshwar Dass stated that he has doctor's shop named R.R. Home Near Workshop Road Metro Hotel Yamuna Nagar, where he is practicing for about 20/22 years. The said injured further stated that he has agricultural land in the village. About 40/42 years ago, he used to practice in the village Ledi (Chhachhrauli). At that time, he got acquainted with a woman named Sukhpreeta and developed a relationship due to which two children Vaidehi alias Mannu and Sohard alias Munna, were born. Vaidehi is married and Sohard is still unmarried. Sohard was born after he left village Ledi Sohard alias Munna used to ask for a share of his land, on which he has also filed a case against him in the court, which is pending in the court. About 20/22 days ago, Sohard came to his house along with the village numberdar Ajmer Singh and said that come out, he want to talk to him (complainant) about the land. So he (complainant) said him (Sohard) the time is not right, it is getting night, he (complainant) will talk tomorrow during the day. Sohard threatened him (complainant) that he (Sohard) will take his share of the land Sohard kept the resentment of this in his mind. Yesterday, on 02/07/2024, he (complainant) went to his shop at Yamunanagar as usual, at around 5.00 pm, he left for home in his car Tata Harrier No. HRO2-AR-1114 silver color, when he (injured/complainant) reached at around 5.15 pm on Main Road Bilaspur Jagadhri On the road, he had turned from Shahpur bus stand towards his village Shahpur and had gone about 50 meters then a Verna car came in front of him. He (complainant) stopped his car, then 4/5 boys came out of that Verna car, holding sticks in their hands. They caught him (complainant). He (complainant) identified these persons as Sohard alias Munna and his friend Ankush s/o Ramesh resident of village Shahpur, Manjeet s/o Bhupinder Singh r/o village Kharwan who now lives in village Teli Majra, Sumit alias Chida son of Rai Singh r/o village Chintpur Chhachhrauli, whom he already knew. Among them, another car was I-20, and two/three motorcycles also came, about 7/8 boys together attacked him (complainant). First of all, Sohard alias Munna hit bindass on his (complainant) head, due to which all the pans of his car broke. After that Sohard pulled him out of the car and threw him out. He attacked him on the head with the binda in his hand which he stopped with his right hand due to which the bone of his right hand broke. His other accomplices Ankush, Manjeet, Sumit alias Chida and his other 4/5 accomplices together attacked his both legs due to which both his legs broke. Then he shouted for help and then some men from the nearby liquor shop and factory started coming there. Seeing them coming, all the assailants ran away with their weapon. After that he fainted. When he regained consciousness, he was in Civil Hospital Jagadhri. His son Maninder Singh told him that Deepak s/o Jagir Singh and Amrik s/o Gurmej Singh of the same village brought him to Government Hospital Jagadhri. Seeing his (complainant) condition, the doctor referred him to Trauma Center Yamuna Nagar. However, his (complainant) family members brought him to Sindhu Hospital, where he is being treated, so legal action be taken against them."

4. The petitioner's counsel submits that the co-accused, namely, Vansh Kumar and

Dilpreet Singh @ Dalpreet @ Ansh, have already been granted bail by this Court, vide order dated 24.07.2025 passed in CRM-M-13914-2025 and connected case (Annexure P-5)

5. 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 his family.

6. 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.

7. The State's counsel opposes bail and refers to following portions of the reply, which reads as follows:

"23 A. Role of petitioner

On 02.07.2024, the petitioner along with co-accused Shivank, Vansh, Souhard @ Munna, Gurpreet @ Ghoda, Ansh, Ankit and another boy together attacked on injured Rameshwar Dass, caused injury to him and broke his car with wooden binda.

C. Evidence came into light against petitioner

The petitioner was arrested in case FIR No.303 dated 01.08.2024 Sections 25-54-59 of Arms Act Police Station Sec 17 Huda Jagadhri District Yamunanagar and in the said case, the petitioner disclosed that he has committed the offence of the present case along with co-accused. It is also submitted that the complainant/injured/victim Rameshwar Dass also identified the petitioner as assailant."

REASONING:

8. The co-accused have already been granted bail by this Court, vide order dated 24.07.2025 (Annexure P-5) after a custody period of more than 10 months, as such, the petitioner is also entitled to bail on the ground of parity as he is in custody from the last more than one year and role of petitioner is similar to them. Moreover, petitioner was not named in FIR nor any specific role attributed to him.

9. 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.

10. As per paragraph 11 of the bail petition, the petitioner has been in custody since 16.08.2024. As per the custody certificate dated 08.09.2025, the petitioner's total custody in this FIR is 01 year and 23 days.

11. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, role attributed and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

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. 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.

14. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. 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)	

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

18. 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.

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

20. 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.

21. 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."

22. 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.

23. 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.

24. 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.

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

26. 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."

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

(ANOOP CHITKARA)
JUDGE

16.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.