

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

CRM-M-43797-2025
Reserved on: 10.09.2025
Pronounced on: 24.09.2025

Sahil @ Golu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Loura, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
231	14.07.2024	Mullana, District Ambala, Haryana	309(4), 309(6), 311 BNS

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 20 of the bail petition and paragraph 10 of status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Sta- tion
1.	104	25.03.2023	380 IPC	Mullana
2.	135	14.04.2023	379 IPC	Mullana
3.	143	16.04.2023	457, 380 IPC	Mullana

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“At present it is recorded that Baljinder Singh s/o S. Amrik Singh resident of village Nanku Nagla Tehsil Narayangarh District Ambala submitted an application 130-Dasti dated 14.07.2024 which is as follows. To Mr. Chowki Incharge Sahib Chowki Kalalti Police Station Mullana Subject- Complaint related to robbery Sir, Sir, the request is that I Baljinder Singh s/o S. Amrik Singh resident of village Nanku Nagla Tehsil Narayangarh District Ambala I run a C.S.BI C.S P POINT in village Nahoni I have been running the shop here for 15 years. On 13.07.2024 at around 6.40 pm an unknown person came to

the shop and told me that I have lost Rs. 1 lakh. I said that such a huge amount must be through CODE SCANNER. He went away and did not come again. As usual at 8:00 PM I closed the shop and was going home. As soon as I crossed the village Goli they attacked me with a sharp edged weapon. The injury was on my right arm. I was riding a motorcycle whose number was (HR04H7260). I had a backpack with my documents in it. I was hanging it on my back. They broke the zip of my bag and snatched the 500 rupee notes that were in my pocket which were (10,000) ten rupees. Somehow I was able to free myself and run away. They chased me for almost half a kilo. After returning to village Holi, I called my friends and relatives, then they ran away from there. They went to village Nahoni where my shop is located. After reaching there my maternal uncle S. Amrik Singh resident of Nahani called on 112, as soon as the employee of 112 arrived, after that he got his medical checkup done at C.H.C Mullana. MLR NO (BVS/71/24) is Mullana. We request you to investigate the criminals and take action against them, we will be highly grateful to you Yours Sincerely Baljinder Singh S/O Amrik Singh Village Nagla Nanku Tehsil Narayangarh District Ambala.”

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 for the petitioner further seeks bail on the grounds of parity with co-accused who have already been granted the benefit of bail by this Court.

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 following portion of status report, which read as follows:

“11. That as per the facts of the case, there are four accused namely accused-petitioner Sahil @ Golu, co-accused Ajay, Nitin, and Vikas. The accused-petitioner Sahil @ Golu has used the sword while committing robbery and caused injuries on the person of complainant with sword, hence, the accused-petitioner has committed grave offence. It is submitted that the co-accused Nitin, and Vikas are on bail in this case whereas accused-petitioner Sahil @ Golu, co-accused Ajay are in custody. The accused-petitioner is not named in FIR and his name came in the disclosure statement of co-accused Nitin Kumar. However, the accused-petitioner is duly identified by the complainant as one of the person/accused who have looted the complainant. As per complaint, the accused-petitioner and co-accused attacked the complainant with a sharp edged weapon and snatched the 500-500 rupee notes that were in the pocket of bag having the complainant which were (10,000) ten thousand rupees. The accused-petitioner Sahil @ Golu has used iron sword while committing the present offence and the said iron sword has been got recovered by the accused-petitioner Sahil @ Golu.”

REASONING:

7. 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.

8. Per paragraph 7 (VII) of the bail petition, the petitioner has been in custody since 16.07.2024. Per the custody certificate dated 08.09.2025, the petitioner's total custody in this FIR is 01 year, 01 month and 21 days.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

10. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused already granted bail 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.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

This order shall come into force from the time it is uploaded on this Court's official webpage.

12. 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.

13. 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.

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 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.

18. 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."

19. 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.

20. 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.

21. 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.

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

23. 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.”

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.