

CRM-M-48051-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48051-2024
Reserved on: 03.07.2025
Pronounced on: 30.07.2025

Sandeep alias Lotta ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
877	31.10.2023	City Yamuna Nagar, Haryana	386, 506, 120B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. Per paragraph 17 of the bail petition as well as custody certificate dated 01.07.2025 and also para 10 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	44	03.02.2025	42A of Prisons Act	City Thanesar, Kurukshetra
2	47	08.05.2011	323, 324, 325, 34, 447, 506 IPC	Babain, Kurukshetra
3	275	04.11.2023	120B, 25-54-59 of Arms Act, 307/34/386 IPC	Radaur, Yamuna Nagar
4	635	12.08.2023	120B, 201, 285, 307, 34, 386 IPC	City Yamuna Nagar, Yamuna Nagar
5	864	11.12.2023	307, 34, 411 IPC and 25-54-59-29 of Arms Act	Shahbad, Kurukshetra
6	37	06.03.2012	25 of Arms Act	Shahbad, Kurukshetra
7	302	25.12.2014	307 IPC & 25 of Arms Act	Chhappar
8	448	10.11.2023	25 of Arms Act	Sector 17 HUDA, Jagadhri
9	110	2014	302 IPC	Barara, Distt. Ambala

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10	117	02.08.2020	420, 406, 506 IPC	Sadhaura
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3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“...the gist of the case is that 31.10.2023, the complainant Brijpal Rana son of Ajmer Singh came to police station City Yamunanagar and gave a complaint to the effect that he has taken up the liquor business in his name in Yamuna Nagar. Kala Rana s/o Joginder Singh is a notorious criminal who had called him 4/5 months back on his Mobile No. 87086-92494 from an outside number and told him that either he (complainant) should give him his (Kala Rana) share in the liquor business or would have to send him Rs. 5 lakhs every month. He (complainant) ignored him and did not give him any money. Then on 29/10/23, he (complainant) received a call on his Mobile No. 87086-92494 from 81990-51871 at around 06:15 PM and a boy told him (complainant) to talk to Kala Bhai. Then Kala Rana talked to him (complainant) on the phone and said that he have come out for some work. Then Kala Rana said that when will they meet tomorrow at L-1 and a brother will come and meet him at L-1. Then he (complainant) disconnected the call and then he (complainant) called back the same night at around 9:00 PM or 9:30 PM. A boy talked to him (complainant) on that number and told him that Vishu Bhaiya had called him (complainant) from his phone. Then he disconnected the mobile phone. The one who had earlier called him on WhatsApp and asked for money and asked for a share and at that time, he was present in his office at Industrial Area. The complainant further alleged that Kala Rana, along with his associates in Yamunanagar, wants to extort money from him (complainant) and threatens to kill him if I do not pay the money.”

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 further 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.

5. The State's counsel opposes bail and refers to following portion of the reply, which read as follows:

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“4. That on the basis of aforesaid complaint, present FIR No. 877, dt. 31-10-2023, u/s 386, 506 IPC was registered at P.S. city Yamuna Nagar. After registration of case, investigation was carried out. During course of investigation, statements of witnesses were recorded. After that on receipt of order dt. 01.11.2023 investigation of the case was carried out by Special Staff, Yamunanagar. During course of further investigation, the accused Varun alias Vishu son of Ashok Kumar was arrested on 01-11-2023. The said accused Varun alias Vishu was interrogated and he admitted the offence committed by him. The true translated copy of disclosure statement of accused Varun alias Vishnu is enclosed herewith as Annexure R-1. As per his disclosure statement, the accused Varun alias Vishu got recovered mobile phone Make vivo which was used by him in the offence.

5. That during further course of investigation, search of petitioner was made and it was found that the petitioner is in judicial custody in case FIR No. 448, dt. 10-11-2023, u/s 25-54-59 of Arms Act, P.S. Sector 17, Huda, Jagadhri, so production warrants of the petitioner were got issued. After that on 22-11-2023, the petitioner was joined in the investigation and he was arrested legally. The petitioner was interrogated and he admitted his offence. The true translated copy of disclosure statement of petitioner is enclosed herewith as Annexure-R2.

6. That after completing the investigation challan against petitioner and accused Varun alias Vishu was submitted on 29-12-2023.

7. That the accused Virender Partap alias Kala Rana was confined in case FIR no. 365, dt. 12-08-2023, u/s 307, 386, 285, 120-B, 201, 34 IPC, 25/54/59 of Arms Act, P.S. City Yamuna Nagar, so the said accused was joined in the investigation on 30-01-2024.”

REASONING:

6. Although the allegations against the petitioner are grave, heinous, and serious, However, the complainant in his examination-in-chief did not support the case of the prosecution and had declared a hostile witness. He denied the leading questions that whether he was either intimidated or was put under tremendous fear. But this court has no reasons to believe about the role of petitioner and in such change of stand by the complainant, the most important factor for granting bail in addition to above is petitioner's custody i.e. 01 year, 07 months & 10 days in the present case. Thus, in the entirety of facts and circumstances, petitioner's further custody would not be justified. The petitioner's counsel, while arguing in the court, had made a categorical statement that petitioner be given one more chance to course correct, improve and reform (Without

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conceding and admitting anything in the present case), and had further undertaken that in case the petitioner repeats the offense, they would have no objection if not only this bail is cancelled but also the bails granted in FIR No. 47 of 2011 under 307 IPC., FIR No.275 dated 4th November 2023; FIR No. 864 dated 11th December 2023 are also cancelled. Thus, considering all these factors, this Court is inclined to grant bail.

7. Per paragraph 7 of the bail petition, the petitioner has been in custody since 10.11.2023. Per the custody certificate dated 01.07.2025, the petitioner’s total custody in this FIR is 01 year 07 months & 10 days.

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

9. 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.

10. 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.

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.

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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.

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. 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.

18. 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.

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19. 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.

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 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

30.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.