

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49796-2025
Reserved on: 01.10.2025
Pronounced on: 28.10.2025

Sumit Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishaav Nath Sharma, Advocate and
Mr. Kanchan Sharma, Advocate,
for the petitioner.

Mr. Rakesh Kumar Jangra, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
227	22.08.2024	Sadhaura, Distt. Yamuna Nagar	109(1), 115, 3(5) of BNS (Section 118(1) of BNS added later on)

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 24 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the petition as Annexure P-1, which reads as follows:

“Statement of Suresh Kumar age 32 years S/o Ajmer Singh resident of village Harioli police station Saha district Ambala. Mobile no. 80532xxxx stated that I am a resident of the above name and address. And I do manual labour work. My maternal uncle lives in village Pahadipur. My maternal uncle's son Sumit son of Randhir Singh resident of village Pahadipur married my maternal aunt's daughter Rita 4 years ago in a love marriage. Due to which all of us relatives also had panchayats among ourselves. And Sumit and his parents started having resentment with all of us relatives due to this marriage. On 20.08.2024, at around 4 pm, I came to my maternal uncle Jagdish resident Pahadipur's house for a visit. At around 10 pm, I and my maternal uncle's son Rakesh and all of us were eating food on the roof of the other maternal uncle's son Mukesh's house. Sumit had seen me. After having dinner, I was going to my other maternal uncle's son. Rakesh's house to sleep. When I reached in front of Sumit's house in the street, Sumit caught me and took me to his house and said that you have made our life difficult. Today we will finish you off. Then from behind, Sumit's father Randhir attacked my head with an axe in his hand.

And Sumit slapped and punched me and Sumit took the axe from his father Randhir and hit me on the head. Then Sumit swung the axe at me. I put my hand forward to protect myself and it hit the thumb of my left hand. A lot of blood started flowing from my head. I shouted, he killed me, "he killed me." Hearing my shout, my maternal uncle's sons Rakesh and Mukesh came to Sumit's house. Those who tried to free me, Randhir and Sumit also attacked them from behind. Sumit also got injured in this fight. And a huge crowd had gathered at the spot. And Sumit and his father Randhir fled from the spot with their axe. And my maternal uncle's son Rakesh took me to the government hospital Sadhora for treatment. From where the doctor referred me to Jagadhari after treatment. My family members brought me from Jagadhari to Nandra Hospital Ambala Cantt for treatment due to my deteriorating health. Where I am undergoing treatment. My maternal uncle Randhir Singh and his son Sumit, due to old enmity, dragged me from the street to their house and attacked my head with an axe with the intention of killing me. Legal action should be taken against them."

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 his 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 following portions of the reply, which reads as follows:

"20. Evidence against the petitioner- That during the investigation, sufficient evidence connecting the petitioner with the above said offence has been collected. Beside the statement of victim and eye witnesses, there is disclosure statement of the petitioner and the co-accused Randhir Singh. Moreover, there is recovery of axe (weapon of offence) from the petitioner and there are serious allegations against the petitioner supported by medical evidence.

21- Role of the petitioner - That with regard to the role of the petitioner, it is submitted that the petitioner was very much present at the spot at the time of incident. The name and role of the petitioner has been specifically mentioned in the F.I.R. itself. The petitioner has solemnized love marriage with his cousin sister namely Rita and on that account the petitioner had strained relations with the victim and other family members. The petitioner pulled the victim Suresh Kumar inside his house and thereafter the petitioner and his father Randhir Singh with intent to kill the victim Suresh Kumar gave axe blows upon the head of the victim Suresh Kumar. The cousin brothers of the petitioner namely Rakesh Kumar and Mukesh Kumar tried to rescue injured Suresh Kumar and there upon the petitioner also gave axe blows on the mouth of Rakesh Kumar. Thus, the petitioner is main accused in the present case and the petitioner along with his co-accused has committed the aforesaid offences in a planned way."

REASONING:

7. Perusal of the FIR reflects that initially the petitioner was not holding any weapon and lateron, he took the same from his father hand, who was initially armed with axe and granted bail by this Court, vide order dated 22.07.2025 passed in CRM-M-2158-2025. 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. As per paragraph 7 of the bail petition, the petitioner has been in custody since 10.10.2024. As per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 11 months 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.¹In 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 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

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.

²Supreme 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.

to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

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 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. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.
25. 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.”
26. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.10.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.