

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50086-2025
Reserved on: 15.09.2025
Pronounced on: 24.09.2025

Khalil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Bijender Bikram Attrey, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
002	06.01.2025	Punhana, District Nuh	191(3), 190, 121(1), 132, 221, 109(1) BNS and 13(1), 13(3), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 14 (iii) of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	29/2019	-	3/25 of Arms Act	Pahari, District Deeg, Rajasthan

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

“3. That the brief facts of the present case are that on 06.01.2025, the police patrolling team had received an information from secret informer that Sirajuddin @ Kala and Nizamuddin @ Mussa sons of Sarfuddin, resident of village Baded have been involved in cow slaughtering and on 06.01.2025 also, after slaughtering the cow, they were cutting the beef into pieces in their house and packing the same in small polythene for the purpose of sale. On information, the police conducted raid at the house of above said persons, which was locked

from outside. On seeing from the hole of the main gate, two persons were found packing beefs in polythene and sacks. The person who was having axe in his hand was identified by secret informer as Sirajuddin @ Kala and the person who was having knife in his hand was identified as Nizamuddin @ Mussa. When police tried to enter the house, then Sarajuddin, with intention to kill the members of police team, threw axe towards police team and then both of them fled away from the spot through wall of said house. On search of said house, the police team recovered 60 kgs beef, one jute sack, weighing scale, three weight stones of two kgs, one weight stone of one kg, one wooden log, two knives, one axe and twelve polythene bags. At that time, the above named persons along with around 20-25 other persons armed with lathi, danda, axe returned at the spot and attacked Son police team with intention to kill the members of police team. Ct. Bhawani Singh and driver SPO Surender received injuries in said physical assault. All above said persons fled away from the spot, on arrival of more police force at spot. However, secret informer identified some of the persons attacking the police team as Sirajuddin @ Kala, Bhujji wife of Sirajuddin @ Kala, Aadil son of Sirajuddin @ Kala, Aash Mohd. @ Kallu, Nizamuddin @ Mussa, Khalid, Khalli, Mustkeem and Aji. There upon, the above mentioned FIR No. 02 dated 06.01.2025 u/s 191(3), 190, 121(1), 132, 221, 109 BNS and 3/13(1), 8/13(3) Haryana Gauvansh Sanrakshan and Gau Samvardhan Act registered at P.S. Punhana, Nuh.”

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 their 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 the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“i. That the role of the petitioner Khalil in the present case is that at the time of raid conducted by the police; the petitioner along with other accused had attacked the police party with lathi-danda, bricks and axe. The petitioner had thrown bricks upon the police party.

ii. That the evidence against the petitioner is by name accused in FIR however he has been named by co-accused. Aas Mohd. and others in their disclosure statements and the disclosure statements of accused

Aas Mohd. is already attached herewith as Annexure R-7. Moreover, at the time of raid, 60 kgs beef in polythene bags, one jute sack, weighing scale, three weight stones of two kgs, one weight stone of one kg, one wooden log, two knives, one axe, and twelve polythene bags were recovered from the place of occurrence.”

8. Perusal of para no.3 of the status report points out that when the police party raided the house of Sirajuddin @ Kala and Nizamuddin @ Mussa, then the petitioner with an intention to kill members of police party threw axe on the police party and later on along with 20-25 others attacked the police party with lathi, danda and pelted stone upon them. Allegations against the petitioner are of throwing bricks only. Even if all the allegations are taken as a gospel truth, it is still not a case of custodial interrogation or pre-trial incarceration for the reason that no one was injured and the allegations cannot be taken at face value at this stage.

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 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.² 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.³

10. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role of the petitioner and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. 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)	

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

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. 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.

18. 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.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

21. **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.