

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

CRM-M-55580-2024
Reserved on: 22.04.2025
Pronounced on: 29.04.2025

Vinay @ Bachi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dhruv Sihag, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
318	20.11.2023	Bass, Hansi	379/411/201/413/420/467/468/471 IPC

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 5 of the bail application and 6 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	17	23.01.2021	379 IPC	Civil Lines, Bhiwani
2	39	11.02.2021	379 IPC	Civil Lines, Bhiwani
3	195	2021	379 IPC	City Hansi
4	403	2021	379 IPC	City Hansi
5	497	2021	379 IPC	City Bhiwani
6	64	2022	379 IPC	City Hansi
7	323	2023	379 IPC	City Hansi
8	373	2023	379 IPC	City Bhiwani
9	741	20.09.2023	379 IPC	City Hansi

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

“2. That, the perusal of case file transpired that on 20.11.2023, ASI Vedpal 400/Hansi along with colleague officials was present at Bass towards Putthi road during patrolling in connection with law-and-order duty, when he received secret information that Pardeep son of Subhash resident of Putthi and Manjeet son of Basau Ram resident of Mirazpur come from Putthi side on two motorcycles towards Bass

with stolen bikes. Both the motorcycles were of "Hero Deluxe" bike. If you were barricading then they will be apprehended. Believing the information to be true and installed Barricade at Putthi Bass road and started checking of vehicles. After some time, two young boys were seen on motorcycle and they tried to ran away after seen the police officials but they were nabbed with the assistance of police officials. Upon checking the engine numbers of the recovered motorcycles, they were found to be stolen properties of FIR No. 323 dated 09.05.2023 under section 379 IPC registered at Police Station City Hansi and FIR No. 373 Dated 10.08.2023 under section 379 IPC registered at Police Station City Bhiwani. Both the accused could not produce any document justifying their possession of recovered bikes. In their interrogation, they disclosed that they had purchased the motorcycles from Vinay @ Bachhi. Accordingly, FIR No. 318 Dated 20.11.2023 under section 379, 411, 201 IPC was registered at Police Station Bass."

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.

5. The State's counsel opposes bail and refers to the reply. He further submits that the trial is at the stage of 313 CrPC and now ball is in the court of petitioner.

6. On this, counsel for the petitioner submits that petitioner wants to examine witnesses in his defence and for that purpose, time is required.

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 the custody certificate dated 20.04.2025, the petitioner's total custody in this FIR is 01 year, 04 months and 26 days.

9. Given 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.

10. 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.

11. 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.

12. 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)	

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

14. 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.

15. 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.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

18. *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.*

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

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.