

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

CRM-M-62995-2024
Reserved on: 08.04.2025
Pronounced on: 29.04.2025

Vishal @ Vicky Sodhi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Malik, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
30	15.01.2023	Shahabad, District Kurukshetra	25(1B) of Arms Act (Section 25(6), 29 of Arms Act and 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per Annexure R-4 attached with status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	994	14.11.2017	323, 325, 34 IPC	City Thanesar
2.	583	21.11.2022	307, 120-B IPC	City Thanesar
3.	46	09.02.2020	25-54-59 of Arms Act	Butana
4.	164	16.04.2022	148, 149, 302, 307, 506, 379-B, 120-B, 201 IPC and 25-54-59 of Arms Act	Jagadhri
5.	62	05.02.2023	25-29-54-59 of Arms Act	Krishana Gate
6.	1006	16.10.2022	25/29-54-59 of Arms Act	Shahabad
7.	364	01.06.2022	323, 307, 452, 506, 120-B IPC	Sadar Thensar
8.	107	11.03.2018	285, 336 IPC and 25-54-59 of Arms Act	K.U.K.
9.	27	14.01.2022	Arms Act	Sadar Thanesar
10.	454/2022	-	307, 336, 120-B IPC and 25/27/54/59 of Arms Act	Zirakpur
11.	1025	25.10.2018	147, 148, 285, 506, 201 IPC and 25/54/59 of Arms Act	City Thanesar
12.	1097/2019	-	148, 149, 427, 506, 455, 120-B IPC	City Thanesar

13.	392/2017	-	323, 325, 452, 506, 148, 149 IPC	Ladwa
14.	32/2020	-	307, 452, 341 IPC and Arms Act	Butana
15.	320/2020	-	25-29-54-59 of Arms Act	City Thanesar
16.	159/2022	-	148, 149, 323, 324, 326, 506, 307, 120-B IPC	Indri
17.	48	25.02.2024	25/54/59 of Arms Act	Pehowa
18.	25	12.03.2024	25-54-59 of Arms Act	Sadar Phagwara

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

“2. That the brief facts of the present case are that on 15.01.2023 police party headed by ASI Rajan received a secret information that one Vishal alias Vicky Sodhi, who was an active member and sharp-shooter of Bhuppi Rana and Bambiha Gang and is wanted in several case along with the accused Rahul Malik, who is also a notorious type of person and has several cases registered against him, kept illicit weapons in their possession in huge members and they would be going from Shahabad to Ladwa on that day in order to commit some offence. On the basis of said information a raiding party was prepared and a naka was laid at the T-point between Shahabad and Ladwa. After some time, two persons were seen coming on foot from the side of GT Road Over-bridge and they were apprehended. They told their names as Vishal alias Vicky Sodhi and Rahul Malik. During the search of the petitioner/ accused Vishal alias Vicky Sodhi, one country made pistol was recovered from each pocket of his trousers. Another country-made pistol was recovered during the search of the bag of Vishal alias Vicky Sodhi. All the three pistols had five live cartridges each in their magazines. During the search of the accused Rahul, a pistol containing five live cartridges was recovered from the right pocket. Besides, the bag being carried by the accused Rahul was found to carry three country made pistols each containing one live cartridge.

3. That on the basis of above said facts the present FIR no.30 INDIA dated 15.01.2023 under Sections 25 (1B), 25(6), 29 of the Arms Act and 120-B IPC added during investigation of the present case, registered at Police Station Shahabad, District Kurukshetra and intimation regarding registration of present case was also sent to the higher authorities.”

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 status report.

REASONING:

6. Allegations against the petitioner are that he was found in possession of three country made pistols containing five live cartridges each. Recovery of ammunition has already been effected. No useful purpose would be served by keeping the petitioner behind the bars keeping in view the period already undergone by him and he is entitled to

bail.

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. Per paragraph 9 of the bail petition, the petitioner has been in custody since 15.01.2023. Per the custody certificate dated 06.04.2025, the petitioner's total custody in this FIR is 02 years, 02 months and 14 days. 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.

8. 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.

9. 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.

10. 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)	

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

12. 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.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, police squad 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.

14. 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."

15. 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 be at liberty to cancel this bail.

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

17. 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.

18. **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.