

CRM-M-64576-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64576-2024
Reserved on: 03.07.2025
Pronounced on: 31.07.2025

Vikram alias Vicky ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Diljeet Singh Virk, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
166	03.08.2022	Odhan, District Sirsa	147, 149, 302, 341 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. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that case FIR No.166, dated 03.08.2022, under sections 147/149/302 IPC (section 341 IPC added during investigation), PS Odhan, District Sirsa/Annexure P-1 was registered on the statement of complainant Pawan Kumar son of Dharam Singh, resident of village Bibipur, Tehsil Bhadra, District Hanumangarh (Rajasthan), against (1) Parveen wife of Kalu Ram, (2) Mani Ram son of Kalu Ram, (3) Sandeep son of Tarsem, (4) Sunil son of Tarsem, (5) Sonu son of Sukhdev, (6) Sandeep son of Sukhdev, (7) Vicky son of Jagdish, (8) brother in law (sala) of Vicky, son of unknown (later on found/discovered to be petitioner/accused), (9) middle son of Vicky and (10) Sunil son of Gori, all residents of Khulyan Nepalpur, by name. The A four contents of

FIR are reproduced as under:

"Stated that I am resident of the above address and do labour work. I am married and have three children. We are three brothers, I am the eldest, younger to me is Sandeep and the youngest is Vinod. My brother Sandeep, aged about 25 years, used to do masonry work. My brother Sandeep lived with a woman named Rani in Aryanagar, Hisar. Today on 03.08.2022 at about 4 AM, I received two missed calls from my brother Sandeep's phone number 97287-xxxxxx on my phone number 97281-xxxxxx, which I could not pick up. Then I called my brother Sandeep's phone number, but his phone was switched off. After that, after 10-15 minutes, I again received a call from Sandeep, who said to me to let him talk to my mother. I made my brother Sandeep talk to my mother Santosh. My mother gave me the phone back. When I listened to the phone, someone else was talking on the phone instead of Sandeep. That man told me that your brother Sandeep is here with us in Khuiyan Nepalpur. You bring four/five persons from the village and take him. After that, for my satisfaction, I called my uncle Ram Kishan son of Toda Ram, resident of Aryanagar Hisar and sent him to my brother Sandeep's house. After some time, my uncle Ram Kishan told me that Sandeep is not at home. Sandeep's wife Rani, her brother and her sister-in-law and Sonu son of unknown, resident of Hindwan, Hisar are at home. Meanwhile, I received a call from phone number 83073-xxxxxx on my home number 90797-xxxxxx. When I called this number from my phone number, the man on the other end said that your brother Sandeep came to our house in village Khuiyan Nepalpur last night and he has done a very wrong act. You come and take him away, otherwise we will kill him. Then I went to the village Khuiyan Nepalpur along with my father Dharam Singh son of Toda Pam, my two uncles Ram Kishan son of Toda Ram and Ram Kumar son of Toda Ram, residents of Bibipur. We came to know that my brother Sandeep had come to the house of Maniram son of Kalu Ram, resident of Khuiyan Nepalpur, whom Kalu Ram's son Mani Ram caught along with his mother Parveze wife of Kalu Ram in a naked condition at night. We have been fully assured of the fact that Maniram son of Kalu Ram had seen my brother Sandeep and his mother Parveen wife of Kalu Ram in a naked state in the room of his house. Angered by this, Mani Ram son of Kalu Ram along with his mother Parveen wife of Kalu Ram called Sandeep, Sunil sons of Tarsem, Sonu, Sandeep sons of Sukhdev, Vicky son of Jagdish, Vicky's brother-in-law (sala) and Vicky's middle son, Sunil son of Gori, residents of Khuiyan Nepalpur to their house and beaten my brother Sandeep to death with sticks, kicks, punches and belt. Action be

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taken against the above accused. The statement has been got recorded, read, which is correct. Sd/- Pawan Kumar".

4. Petitioner seeks bail on parity with co-accused Sandeep, who was granted bail by Coordinate Bench of this Court vide order dated 11.12.2024 passed in CRM-M-40469-2024.

5. 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.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That petitioner/accused is named in the FIR (though not specifically but in the name of brother in law of Vicky, son of unknown) as well as specifically named in disclosure statement of co-accused Parveen Kaur/Annexure R-2. During investigation of the case, the petitioner/accused has been found involved in the commission of crime. During investigation, petitioner/accused suffered disclosure statement admitting his involvement in the commission of crime and got demarcated the place of occurrence and got recovered one gas pipe, used in the commission of crime. In this way the involvement of petitioner/accused in the murder deceased Sandeep by inflicting injuries alongwith co-accused was fully established on the case file."

REASONING:

7. Given above, although the main motive might be to Mani Ram but it depends upon mental condition and it is very difficult to segregate the role of the accused. Coordinate Bench of this Court had already granted bail to one of the accused-Sandeep, who was also named in the FIR and having almost similar role and the trial Court had also granted bail to two accused namely Bhallu Ram and Vikram alias Vicky.

8. 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.

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9. Per paragraph 5 of the bail petition, the petitioner has been in custody since 23.08.2022. Per the custody certificate dated 27.04.2025 the petitioner’s total custody in this FIR is 02 years, 08 months & 04 days.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused with similar role has already been granted bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
12. 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.
13. 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.
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

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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.

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

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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. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.