



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-234-2025
Date of Decision: 28.04.2025

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Mamli, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
320	28.06.2019	Barwala, District Hisar	148, 149, 302 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court second time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 21 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 the brief facts of the case are that the present FIR has been registered on the statement of Manjeet son of Sat Pal resident of village Badhawar alleging therein that on 27.6.2019 at about 7.00 PM his younger brother Naveen (now deceased) and his friend Vikram (now deceased) has been called by (co-accused) Bharat son of Pardeep to talk on some important points in "Bharat's Buffalo Dairy" on which Naveen (now deceased) and Vikram (now deceased) went over there and after half an hour the complainant got information that accused Bharat is causing beatings to Naveen (now deceased) and Vikram (now deceased) along with his companions on which he passed the information to Mangat Ram Tau of Vikram (now deceased) on which they both reached in the diary of Bharat where they saw co-accused Bharat, Satender, Pardeep and Vikram Vicky of village Koth along with 8/10 companions who were duly armed



with lathis and dandas. Co-accused Bharat and Vikey @ Vikram were causing the beatings with dandas in their hands on the hands and feet of Naveen. That co-accused Satender and Pardeep were giving danda blows on the hand, feet and body of Vikram (now deceased). The other companions were also given lathi and danda blow on the body of the Vikram (now deceased) and they left Naveen (now deceased) and Vikram (now deceased) half dead and ran away from there on the motor-cycle after putting them on the road out of the gate of the dairy. After arranging the vehicle the complainant brought his brother Naveen (now deceased) to Green Tree Hospital Barwala. The doctor of Green Tree Hospital without examining his brother asked him to take him to civil Hospital, Hisar. While he was bringing his brother to Civil Hospital Hisar in an ambulance, he expired while on way to Hisar. Mangat Ram took Vikram (now deceased) to Civil Hospital Barwala where he was referred to MAMC, Agroha and Vikram expired in MAMC Agroha while under treatment. Upon which case FIR No. 320 dated 28.06.2019 under sections 302, 148, 149 IPC was registered at Police Station Barwala, District Hisar.”

4. The petitioner seeks bail on the grounds of parity with co-accused, namely, Amit @ Miti, Mohit @ Nambardar and Kapil, to whom this Court has granted bail by passing order dated 07.11.2023, 22.04.2024 and 30.07.2024 in CRM-M-10745-2022, CRM-M-5492-2024 and CRM-M-24447-2024 (Annexures P-6 to P-8 respectively).

5. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, and in case, petitioner repeats the offence, where the sentence is prescribed more than 03 years, the State shall file an application for cancellation of bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State’s counsel opposes bail and refers to the reply.

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

“16. That as far as the role of the petitioner/accused, it is submitted that a double murder of Naveen and Vikram was committed on 27.06.2019 by an unlawful assembly constituted by co-accused Bharat, Satender and Pardeep others at the milk dairy of one Bharat. Two of the eye witnesses namely Manjeet and Mangat Ram had seen the occurrence and they have also stood for the prosecution in the witness box during trial. That petitioner/accused attacked with the wooden log to the Naveen (deceased)



and Vikram (deceased) and a wooden log used by the petitioner/accused in the commission of the offence has been recovered by him. The name of the petitioner has also appeared in the disclosure statement made by co-accused Bharat who had called Naveen (now deceased) and Vikram (now deceased) at his milk dairy on the day of occurrence.”

REASONING:

8. The case of the petitioner is on similar footing to that of those who has been granted bail by this Court. 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. As per paragraph 9 of the bail petition, the petitioner has been in custody since March, 2022. As per the custody certificate dated 26.04.2025, the petitioner’s total custody in this FIR is 03 years, 01 month and 05 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.

9. 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.

10. 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.

11. 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)	

12. This order is subject to the petitioner’s complying with the following terms.

13. 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.



14. 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 (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, complainant/victim 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under 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.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. 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."

17. 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.

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

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

(ANOOP CHITKARA)
JUDGE

28.04.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.