

CRM-M-50058-2024

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

CRM-M-50058-2024
Reserved on: 08.07.2025
Pronounced on: 23.07.2025

Dinesh alias Deshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vaibhav Parashar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
41	22.02.2024	Chhainsa, District Faridabad (Haryana)	323, 387, 307, 427, 452, 506, 285, 34 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. Per paragraph 14 of the bail petition as well as custody certificate dated 07.07.2025, accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	866	02.11.2015	356 IPC	Camp Colony, Faridabad
2	49	23.01.2018	380, 457 IPC	Sadar Palwal, Palwal
3	36	17.02.2019	25-54-59 of Arms Act	Chhansa, Faridabad
4	359	16.08.2017	25-54-59 of Arms Act	Sadar Ballabgarh, Faridabad
5	329	2019	379 IPC	City Palwal
6	526	11.07.2019	398, 401 IPC and 25- 54-59 of Arms Act	Sadar Palwal, Palwal
7	435	24.09.2019	379, 411 IPC	Dabua, Faridabad
8	103	03.05.2021	379, 427 IPC	Chhansa, Faridabad
9	112	26.04.2023	174A IPC	Chhansa, Faridabad
10	113	27.04.2023	224 IPC	Chhansa, Faridabad
11	100	17.06.2015	392 IPC and 25 of Arms Act	Chhansa, Faridabad
12	413	24.10.2020	25-54-59 of Arms Act	Sadar Ballabgarh, Faridabad
13	59	23.03.2019	457, 380 IPC	Chhansa, Faridabad

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14	67	26.02.2024	25-54-59 of Arms Act	Sector 31, Faridabad
15	80	19.03.2020	379 IPC	Chhansa, Faridabad
16	74	2016	379 IPC	Sector-56, Faridabad
17	413	2020	25-54-59 of Arms Act	Sadar Ballabgarh, Faridabad
18	273	2015	323, 506, 34 IPC	Chandhut, Palwal

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

“That the brief facts of this case which led to file the present petition are that on 22.02.2024, a telephonic information was received by the police that a quarrel has took place on a Tiles factory owned by Pushpendra (Ex-Sarpanch) situated at village Panhera Khurd, Faridabad. The police reached on the spot. The complainant Pushpendra (Ex-Sarpanch) presented a written complaint to police in which it is alleged that the petitioner demanded extortion of Rs. 5 lakh by calling on his mobile phone. It is further stated that on the same day when he was on his fields, his father informed him that accused Dinesh and Harish are vandalizing in his factory premises and beating the labourers present there. Co accused Harish was also involved with the petitioner. Threats were extended that in case, they wanted to be alive, they should fulfill their demand (i.e. of the accused) of extortion. It is also alleged that while the complainant was sending his father, for treatment to the hospital, the petitioner armed with a country-made pistol chased him with an intention to kill and opened fire upon him in which the complainant had a miraculous escape. The accused further demanded a sum of Rs. 10 lacs as Protection money and threatened to kill him if his demands were not fulfilled.”

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. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel

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this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and by making reference to the reply, submits that petitioner is a habitual offender.

REASONING:

6. 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.

7. Per paragraph 9 of the bail petition, the petitioner has been in custody since 04.03.2024. Per the custody certificate dated 07.07.2025 the petitioner's total custody in this FIR is 01 year, 04 months & 04 days.

8. 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.

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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 (CrI.) 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 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.

16. 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."

17. 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.

18. 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

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petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions 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.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

23.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.