

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41424-2025  
Reserved on: 02.09.2025  
Pronounced on: 09.09.2025

Kunal Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Harshit Ahuja, Advocate,  
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
277	17.06.2024	City Fatehabad, District Fatehabad	148, 149, 323, 395, 427, 452, 506 IPC

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. As per paragraph 14 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“3. That in compliance of order dated 06.08.2025, it is submitted that on 17.6.2024, ASI Rohtash Kumar alongwith SPO Surender was present in front gate of Mini Secretariat Fatehabad, then at that time complainant Subhash Chand son of Kirodimal met him and presented an application to the effect that "he and Satish Kumar son of Lakhmi Chand are residents of Gali No.3, Matu Ram Colony, Fatehabad. On 16.6.2024, he (complainant) and Satish Kumar had gone to work and his wife and daughter-in-law and children were at home and in his absence, at about 6:00 P.M., one Mohit and his friend Manjit and 35-40 other youths, who were carrying sticks, swords, gandasi, rampe' etc., forcefully entered his house and hit the door of the house with bricks and broke the household items kept in the house with sticks and threw the children here and there mercilessly and beat them and also threatened to kill them. The above said assailants also took away an amount of Rs.10,500/- from the cupboard kept in his room and also caused heavy damage to his brother's mother-cycle make Hero CD Deluxe bearing registration No.HR22S-9636 standing in the street outside*

*his house by hitting with the sticks. They also entered in the house of his neighbour Satish Kumar son of Lakhmi Chand and broke the belongings and also caused damage to the belongings. After that, they completely destroyed two other motor-cycles standing outside the houses in the street and escaped by pelting stones in the street. The above said accused persons came to their house without any reason and broke the household goods. Now they (complainant) are facing a serious threat to their life and property from all the above youths. If they suffer any loss of life or property, the above said accused persons will be responsible. Complainant prayed for taking legal action against the accused persons". On the basis of the complaint of complainant, present case FIR No. 277 dated 17.06.2023 was registered under sections 148, 149, 323, 395, 427, 452, 506 of IPC registered at Police Station City Fatehabad against accused persons namely 1. Mohit and 2. Manjeet and investigation was carried out."*

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 his family.

5. The petitioner's counsel 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. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

*"21. B. THE EVIDENCE AGAINST THE PETITIONER:*

- i) That the present petitioner-accused Kunal Kumar was specifically named by co-accused Sant Kumar in his disclosure statement (Annexure R-2). He specifically disclosed that on 16.06.2024 a large crowd had gathered near the body of Balraj alias Goli near Red Light Chowk, Fatehabad and there was also lot of anger among all of us. On which, I (co-accused Sant Kumar), Sahil alias Ganja, Sagar Balmiki, Amani Balmiki, Pawan alias Siya and Rahul @ Kau, Mohit alias Bachi, Manjeet Jat, Kunal (petitioner-accused), Lala Banwari, Mohit alias Duli and others, with the intention of looting, burglary and vandalism, entered in the house of Subhash Chand son of Kirodi Mal resident of Matu Ram Colony, Fatehabad, pelted bricks and stones and looted the household goods with sticks and co-accused Manjeet Jat looted and took away Rs.10,500/- from Subhash's house and broken the motorcycles parked outside the house and threatened to kill him if they complained to police.*
- ii) Petitioner also got recovered 'Danda' used by him in the present crime.*

*C. THE ROLE OF THE PETITIONER:*

- i) That present petitioner alongwith other accused persons of the unlawful assembly (approximately 35-40 in number) criminally trespassed into the house of the complainant and damaged his household articles by pelted bricks on the gate of the house and also picked up the children and threw them here and there without any mercy and gave beatings.*
- ii) The petitioner/accused and other accused persons have committed the vandalization and destruction with the motive of taking revenge from the people of other community because some people of the other community killed one Balraj @ Goli who belonged to the community of accused persons.*
- iii) The present petitioner was a part of crowd which utterly disregarded the law and committed the present offence.”*

**REASONING:**

8. The petitioner has clean antecedents. 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 11 of the bail petition, the petitioner has been in custody since 20.07.2024. As per the custody certificate dated 01.09.2025, the petitioner's total custody in this FIR is 01 year, 01 month and 12 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 the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

11. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

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. 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.

16. 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, 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.

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. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

**(ANOOP CHITKARA)**  
**JUDGE**

**09.09.2025**

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.