



CRM-M-39071-2025

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119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39071-2025
Date of decision: 23.07.2025

PAWAN @ PAWAN KUMAR AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Choudhary, Advocate for the petitioners.

Ms. Shaveta Sanghi, DAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
231	11.07.2025	Sadar Hansi, District Hansi	115 (323)/118(1) 324/3(5) (34) of BNS, 2023

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph (12) of the bail petition, the petitioners have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1), which reads as follows:

“Statement of Naveen son of Bhagi Rath resident of Dhani Qutubpur and age 26 years, mobile no.8708518614. Stated that I am permanent resident of the above said address and we are three brothers, the eldest Ashok doing the work of cable in Hisar City, younger to him is me and younger to him is Ravinder. I and Ravindra run a Dhaba by the name of Sher-e-Punjab near Geeta Chowk on NH-9 Hisar Delhi Road and adjoining to us is Pawan son of Mangat who runs a Dhaba by the name of Pawan Dhaba. Yesterday on 10.07.2025 at about 10.00 PM, I and Ravindra were working at our Dhaba. Then at the same time, Pawan son of Mangat, Harpal son of Mangat Ankush and Amit son of Harpal came in front of the Dhaba near Peer Baba's Dargah and started abusing us as soon as they arrived. Then, I and my brother Ravinder went to them from our dhaba and asked the reason for abusing. Then Pawan had a wooden stick in his hand, Ankush had an iron rod in his hand and Amit and Harpal had wooden sticks in their hands. When we both the brothers asked the reason for the abusing, Ankush hit me on the head with the stick in his hand, due to which I fell on the ground, then Pawan, Amit and



Harpal hit me on the shoulders, waist and legs with the sticks in their hands, when my brother Ravinder tried to free me, all of them together hit him too, then we shouted for help, my father also came there to free us, then they hit my father also, then the people present at the Dhaba freed us from them, then I called on 112, then all of them left from there with their sticks. Then 112 admitted us in the Civil Hospital, the doctor admitted us for treatment. You have referred me to Civil Hospital Hisar due to grievous injuries on me and also referred my brother Agroha Medical due to excessive injuries and the doctor discharged my father after treatment. My treatment is going on here in GH, Hisar and the treatment of my brother Ravinder is going on at Agroha Medical. Pawan, Harpal, Ankush and Amit have unnecessarily abused us and injured us with sticks and iron rods. Strictest legal action should be taken against them. I have got my statement record, read over which is correct.”

4. The petitioners' counsel prays for bail by imposing any stringent conditions including surrender of fire arms. In case, they repeat the offence or commit any offence where the sentence is more than 07 years, they would have no objection, if State files an application for cancellation of their bail. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. He further submits that there is no grievous injury on the person of victim.

5. The State's counsel opposes bail on instructions.

REASONING:

6. Given the nature of injury attributed to petitioners, they are entitled to bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail.

7. Given the above, the penal provisions invoked 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 custodial interrogation or the 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 petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

9. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty



Magistrate. Before accepting the surety, the concerned Officer/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 petitioners' complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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.

12. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. Given the background of allegations against the petitioners, it becomes paramount to protect 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 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 petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison 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 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.



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. 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.

16. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide by the assurance made on the petitioners' behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. **This bail is conditional, and the foundational condition is that if the petitioners indulge 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.**

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

19. 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.

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

23.07.2025
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(ANOOP CHITKARA)
JUDGE

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