

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61771-2024
Reserved on: 10.07.2025
Pronounced on: 24.07.2025

Vinod @ Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Khalid Tauru, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
35	27.01.2015	Sadar Tauru, District Mewat	399, 402, 307 IPC and 25, 54, 59 of Arms Act

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. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 11 of the status report and as per custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Year	Offenses	Police Station
1.	434	2011	323, 341, 379, 504 IPC	Phool Bagh, District Alwar (Rajasthan)
2.	368	20.16	323, 341, 427, 506, 34 IPC	Kotwali, Faridabad

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

“3. That the brief facts of the present case are that on 27.01.2015, SI Shamshuddin along with EHC Mukhtiar, EHC Ratibhan, Constable Hari Krishan, was present in Government vehicle bearing registration No.HR-74-1458, near Government School, Khori on crime patrol duty, when he received a secret information that Vinod, Javed, Irfan, Yusuf and Anwar armed with illegal weapons, were preparing to commit a dacoity at Shri Siddhi Vinayak Petrol Pump, Sunari and could be apprehended, if an immediate raid was conducted. The said SI prepared the raiding party and parked their vehicle away from Modern Hindu High School and reached near the wall of Hindu High School secretly. He overheard one person saying that he would fire with a country made pistol and Rahis would also fire on his instructions and remaining Javed, Irfan, Yusuf and Anwar

would run away with looted currency notes. On this, the police announced to them that they were already in police trap and they should surrender before the police along with their weapons. On this, Rahis and Vinod started indiscriminately firing upon the police party. However, the members of the police party had a narrow escape. All accused managed to escape under the cover of darkness. However, four motorcycles bearing registration No. RJ-02AS-7860, RJ-02SF-4517, HR-27-8845 and one motorcycle make Apache without number, were recovered from the spot. Thereupon, the above mentioned FIR No. 35 dated 27.01.2015 u/s 399, 402, 307 IPC and 25/54/59 Arms Act (Later on added Section 201 IPC) was registered at P.S. Sadar Tauru, Nuh.”

4. The petitioner's counsel submits that he undertakes that without admitting or conceding, the petitioner would live like a decent human being and mend his ways. He further undertakes that in case, the petitioner repeats the offence, he has no objection, if the State files an application for cancellation of bail.

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 his family.

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:

“10. That the role of the petitioner Vinod in the present case is that he along with the other accused were planning to commit dacoity at Siddhi Vinayak Petrol Pump. The petitioner was having a desi katta with him. The petitioner was instructing the other accused about the acts they were to do during dacoity. When the police party reached there, the petitioner had fired gunshots upon the police party from his desi katta. The petitioner had managed escape from the spot. The petitioner had destroyed and thrown away the countrymade pistol (desi katta) used by him in the present crime. The petitioner has been named in the present FIR.”

REASONING:

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. As per paragraph 3 of the bail petition, the petitioner has been in custody since 06.08.2024. As per the custody certificate dated 09.07.2025, the petitioner's total custody in this FIR is 11 months and 03 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 background of allegations against the petitioner, it becomes paramount to protect the members of society, complainant 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 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.

15. 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."

16. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

17. **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.**

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.

**(ANOOP CHITKARA)
JUDGE**

**24.07.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.