

CRM-M-28925-2025

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

CRM-M-28925-2025
Reserved on: 09.07.2025
Pronounced on: 30.07.2025

Aman @ Munshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
1175	31.10.2023	Sadar Hisar, District Hisar	395, 397, 109 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application and paragraph 9 of status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	213	16.07.2021	147, 149, 323, 341, 506 IPC	Uchana
2.	583	29.10.2023	379-B, 201 IPC	City Fatehabad
3.	306	29.10.2023	395, 397, 120-B IPC and 25 of Arms Act	Uchana
4.	450	31.10.2023	395 IPC and 25 of Arms Act	Bhuna
5.	901	31.10.2023	395, 397, 427, 216-A IPC and 25 of Arms Act	Barwala
6.	815	31.10.2023	392, 397 IPC and 25 of Arms Act	Azad Nagar
7.	451	01.11.2023	279, 148, 149, 307, 420 IPC and 25 of Arms Act	Bhuna

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 case are that on 31.10.2023. the 225 complainant, namely Manjeet, along with one Chetan (son of Ram Parshad) and Satender (son of Rajender), was present at Shri

Harnam Kisan Sewa Kendra Filling Station, situated at Rawalwas Kalan, District Hisar. The complainant was employed as the Manager at the said petrol pump. At approximately 3:30 PM on the aforesaid date, four unidentified individuals arrived at the petrol pump in a Ritz car bearing registration number HR-241-5099. Two of the assailants were armed with pistols. They forcibly snatched the key to the cash counter and, thereafter, looted an amount of Rs 2.50 lakhs from the said counter. Subsequent to committing the offence, the accused fled the scene in the aforementioned vehicle. On the basis of the said incident, the present case, being FIR No. 1175 dated 31.10.2023, under Sections 392, 397 of the Indian Penal Code, 1860, and Section 25 of the Arms Act, 1959, was registered at Police Station Sadar, Hisar, District Hisar.”

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.

5. The State's counsel opposes bail and refers to the short reply.

6. 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.

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

“11. That it is respectfully submitted that, insofar as the role of the petitioner/accused is concerned, he, in active connivance with the co-accused, committed a dacoity on 31.10.2023 at the filling station located in Village Rawalwas Kalan, during which an amount of Rs 2.50 lakhs was looted at gunpoint. It is pertinent to bring to the kind notice of this Hon'ble Court that as many as seven other criminal cases, most of which pertain to the offence of dacoity, have already been registered against the petitioner/accused at various police stations. Alarming, it is also alleged that the petitioner/accused was involved in the commission of three separate incidents of dacoity on the very same day, i.e., 31.10.2023. In view of the aforementioned facts and the grave nature of allegations, the petitioner/accused is not entitled to the concession of bail.”

8. Allegations are of looting Rs.2.5 lacs from the cash counter and there are multiple cases of the same nature pending against the petitioner, but keeping in view the undertaking given by the petitioner to course correct, this Court wants to afford him a final opportunity.

9. 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.

10. Per paragraph 6 of the bail petition, the petitioner has been in custody since 07.02.2024. Per the custody certificate dated 27.05.2025, the petitioner's total custody in this FIR is 01 year, 03 months and 19 days.

11. Given the assurance made by the petitioner to reform and not to repeat the offence, viz-a-viz pre-trial custody, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. 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.

14. 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)	

15. This order is subject to the petitioner's complying with the following terms.

16. 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.

17. 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.

18. 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."

19. 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.

20. 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.

21. **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.**

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

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23. 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.

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

(ANOOP CHITKARA)
JUDGE

30.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.