

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37742-2025
Reserved on: 10.09.2025
Pronounced on: 24.09.2025

Sandeep Gupta ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0316	27.12.2008	Gohana Sadar, District Sonipat	379, 420, 467, 468, 471, 120-B IPC (Section 3, 4 of Prevention of Damage to Public Property Act and 15, 14 of Petroleum and Minerals Pipe Line (Acquisition Right of Users in Land) Act added later on)

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. Per paragraph 25 of the bail petition, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated/Year	Police Station	Sections
1.	195	10.08.2007	379 IPC	Sampla Rohtak
2.	229	10.11.2007	379/201/467/468/471/337/420 IPC, Sections 3 and 4 of PDPP Act and Sections 15 and 16 of the Petroleum & Mineral Pipe Lines Act	Sadar Gohana
3.	315	27.12.2008	379/467/468/471/420/120-B IPC, Sections 3 and 4 of PDPP Act and Sections 15 and 16 of the Petroleum & Mineral Pipe Lines Act	Sadar Gohana
4.	05	2024	285/379/411/440/120-B IPC, Sections 3 and 4 of PDPP Act and Sections 15(1), 15(2), 15(3) and 15(4) of Petroleum	SOG, Rajasthan Jaipur

			& Mineral Pipe Lines Act, Section ¾ and 7 of EC Act	
5.	42	2024	----	Rohida, District Sirohi

3. The facts and allegations are being taken from the order dated 18.04.2020 passed by Additional Sessions Judge, Mewat which reads as follows:

“2. Briefly stated, facts necessary for the disposal of present bail application are that on 27.12.2008, police patrolling team got a secre information from its reliable sources that one tanker bearing registration No HR-37C-3579, is en route from the side of village Khanpur and the same is being driven by Hardev Singh son of Mikha Singh, who at the instance of Kewal Singh have stolen the oil from National Mathura Pipe line, after damaging the same with the help of instruments and, by forging some documents they used to sell the oil at Delhi Information regarding two young boys, who are involved in the commission of theft was also given, one man out of them was stated to be one eved man. It is also stated that three persons in Alto Car are already present at Pipeline with instruments and if a raid is conducted, then, they can be apprehended red handed. On the basis of said complaint, the present case was registered. Investigation was carried out and other formalities were completed.”

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. Counsel for the petitioner submits that earlier petitioner was on bail and due to non-appearance, his bail was cancelled.

5. The State's counsel opposes bail.

6. As petitioner was earlier granted bail vide order dated 25.02.2015, but due to his non-appearance, his bail was cancelled and he was declared proclaimed offender. Now, petitioner is behind the bars from the date of his production in this case, as such, this Court is inclined to grant bail subject to some conditions.

7. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution,

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

8. Given the above there would be no justifiability 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 25,000.

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 25,000/-, 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:

²Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.