

CRM-M-20853-2025

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

CRM-M-20853-2025
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Rahul ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Manjeet Garhwal, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|-----------------------------------|-------------------------|
| 1491 | 01.10.2023 | City Panipat, District Panipat | 364-A, 397, 506, 34 IPC |

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. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

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

“That 01.10.2023, complainant Rishi S/o Dharampal came present in Police Station City and presented a written complaint inter alia with the allegations that he is a resident of village Kadhura, Dhana Baroda, District Sonipat and works near Khushiram S.K. Power Group, Geeta Colony, Railway Road. On 01.10.2023, at around 12.20 am, he had come to the railway road with two of his friends to buy food items. During this, his friends went ahead, and he stopped to urinate. In the meantime, two youths came to him on a bike without a number plate, made Splendor, showed a pistol like weapon to him, threatened to kill him, and made him sit on the bike. Thereafter, they went ahead, stopped the bike near

Sardana Petrol Pump before the police line, Panipat, and conducted a search of the complainant. When nothing was found, they asked the complainant to get the money, and otherwise they would eliminate him. On which he called his boss, expressed his helplessness, and got Rs. 5,000/- deposited from him. Thereafter, one of these boys asked for the password of the complainant's phone and checked his account himself. Then, a boy remained standing with the complainant with a pistol-like weapon, and the other boy went towards Sardana Petrol Pump along with his phone and bike. He returned in five minutes after filling petrol and taking cash. Thereafter, they again pressured the complainant to get money again. Thereafter, the complainant made a call to Gopal's mobile number and talked to Rohit. During the conversation, the accused persons again threatened to kill him. Rohit also heard the conversation and deposited Rs. 4,870/- in the complainant's account to save him. During this, they made him sit on the bike and go towards the petrol pump. After reaching a little distance, they stopped the bike. A boy with a pistol-like weapon stood near him again, and another boy took his phone and went towards Sardana Petrol Pump on foot. Thereafter, he went to the petrol pump, and after withdrawing the money from his account, he came back and again made him sit on the bike. Thereafter, they went a little distance ahead and got him off from the bike, and told him to stand facing back, and if he turned and saw them, they would shoot him. Accordingly, he stood facing back, and after some time, he looked back and found that they had gone, and thereafter he returned on foot from there and informed the police. It was further alleged that when the complainant checked his Paytm Account, the bank balance was found to be zero and that the accused persons had withdrawn a sum of Rs.9872/- from his bank account.”

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. Counsel further 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.

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

CRM-M-20853-2025

“The role of the petitioner is that he along-with co-accused Amit has kidnapped the complainant by impersonating himself as employees of CIA Staff and took him to a abundant place. Thereafter, they forced the complainant to bring money from his acquaintance by threatening him, whereby the complainant got deposit Rs. 5,000/- from his employer and Rs. 4,870/- from his friend. The petitioner had also snatched the mobile phone of the complainant and got the money encashed from the SN Filling Station situated on NH-1 and also got filled their motorcycle with petrol by transferring amount from complainant's mobile phone.”

REASONING:

6. Allegations against the petitioner are of loot. However, considering the custody undergone by the petitioner and the undertaking given by him, this Court deems it appropriate to grant one opportunity to course correct. 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.

7. Per paragraph 14 of the bail petition, the petitioner has been in custody since 09.10.2023. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 01 year & 09 months.

8. 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.

CRM-M-20853-2025

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 nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Crl.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

15. 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.

16. 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."

17. It is clarified that if the petitioner violates any bail condition, the State and/or the

CRM-M-20853-2025

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.

18. 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.

19. 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.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.