

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7854-2025
Reserved on : 08.07.2025
Pronounced on: 23.07.2025

RAM NIWAS DHANDA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Rathore, Advocate (through video conferencing)
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
284	26.08.2024	Israna, District Panipat	109(1)/3(5) of BNS, 2023 and Section 27 of Arms Act, 1959

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 11 of the bail petition and the reply, the petitioner he has no criminal antecedents.

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

"(i) That the prosecution is that the present case was registered on the basis of complaint moved by complainant Mandeep. It was interalia alleged that on 25.08.2024, at about 07:30 pm, he came to know that Ram Niwas was demolishing his tin shed and wall, on which he along with his mother Santro and brother Sandeep reached at the spot and objected. On this, accused Ram Niwas fired shots upon them from his double barrel gun with intention to kill them. His wife Krishna also fired a shot upon his mother Santro, due to which she was injured. Upon hearing noise, Raunak S/o Ram Dia and Ramdia reached at the spot and the accused persons fled, while threatening to kill them in future. The victim were rushed to Park Hospital. He prayed for taking legal action against accused persons."

4. Counsel for the petitioner submits that there is a property dispute going on between

the parties and he is in custody since 26.08.2024. He further prays for bail by imposing any stringent conditions including staying away at a distance of 500 meter of victim's house and shall not enter the disputed plot. He further 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 reply.

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

"A. The Role of the Petitioner:

The role of the petitioner is that he was having dispute with the complainant with regard to a plot situated in his neighbourhood and belonging to Mandeep. On 25.08.2024, broke cupboard of his house and started making way from the said plot. On which, complainant Mandeep, injured Santro and Sandeep objected. On their objection, petitioner become angry and brought licensed 12 bore pump action gun from his house and fired directly towards the complainant and mother of the complainant with the intention to kill them. The mettalic pellets of the pump action gun hit to the complainant and injured Santro. The petitioner has confessed to his role in crime in his disclosure statement, Annexure R-3."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. The victim did not receive serious injuries. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 3 of the bail petition, the petitioner has been in custody since 26.08.2024. Per the custody certificate dated 07.07.2025, the petitioner’s total custody in this FIR is 10 months and 11 days .

9. Given the above 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 further pre-trial incarceration at this stage.

10. 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.

11. 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.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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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. 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 particularly in disputed plot 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 (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. 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.

17. 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.”

18. 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.

19. The bail is conditional and the foundational condition is that if the petitioner indulges in any non-bailable offense, or enter in work place/residence of victim or disputed plot, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to 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.

23.07.2025
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(ANOOP CHITKARA)
JUDGE

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