

CRM-M-40725-2025

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

CRM-M-40725-2025  
Reserved on: 03.09.2025  
Pronounced on: 19.09.2025

Sachin ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ishwar Singh, Advocate for  
Mr. Vikram Singh, Advocate  
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

Ms. Vaishali Kamboj, Advocate for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
266	28.05.2025	Kurukshetra University, District Kurukshetra	115, 117(2), 118(1), 118(2), 190, 191(3), 351(3) of BNS 2023

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 26 of the bail petition, the petitioner 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 at the very outset, it is submitted that a case bearing FIR No 266 dated 28.05.2025 U/s 115(2), 118(1), 118(2), 190, 191(3), 351(3) BNS 2023 and section 117(2) BNS 2023 added later on registered at Police Station KUK District Kurukshetra Haryana on the statement of injured/complainant Uday S/o Sanjeev Kumar Rio Village Dadwa, police station Chhachhraufi, District Yamunanagar against Manish Ramgarhiya 2. Krish Jaat 3. Robin Pega 4. Sachin Dhillon and some unknown persons in which he*

*has alleged that:-*

*"I am a resident of the above mentioned address and I am a BA LLB 4 year student of Kurukshetra University Kurukshetra and I stay in room no B-46 of Tagore Hostel of the University. In the night of 26/27.05.2025 at about 12:45 AM, Me and my friend Amandeep son of Jaipal resident of Amargarh Gamdi district Kaithal (LLB 2ND YEAR STUDENT) had gone out of the university to eat on my motorcycle, Bullet no. HR-02-AY-1664. At that time, Amandeep received a call from one of our friends Gurnam R/o of village Amupur district Karnal that someone has said to our other friend Rahul Resident of village Gondar district Karnal in Bhim hostel of kuk that he has been molested and we need your bullet bike because we have to go together there and talk to those boys. So, me and my friend Amandeep immediately sat on my bike and reached outside Devi Lal hostel in the university within 5 minutes.*

*There we met our friends Rahul and Rohit both brothers resident of village Gonder and Gurnam and they already had another bike. So all five of us gathered and reached the room on the FIRST FLOOR of Bhim Hostel where the boys who were teasing Rahul's friend used to stay but we found that room was locked. When we all came down to the GROUND FLOOR, the door of a room was open. Inside and outside were 6-7 boys all are belongs from the PHSO group, Namely, Manish Ramgadiya distt Kaithal, legs with their axes and injured me. Krish Jaat, Sachin Dhillon and their 8-10 companions also hit my legs and arms with the sticks they were holding in their hands and hit me. While beating me all of them were saying that today you have been hit and next will be your friend Gurnam's turn.*

*From their height and voice I identified Sachin Dhillon, Krish jat and Robin Pegga. I do not know the names and addresses of other boys. Meanwhile on getting information about this fight as soon as my friend Gurnam etc gathered and reached there all the accused who had hit me fled from the spot with their weapons and while running they threatened that if anyone comes in the way of our group then they will kill all of you.*

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*The time of this incident was around 1:25 AM. It was late night and my friends Gurnam and Amandeep etc picked me up from the place of occurrence and took me to LNJP Hospital KKR, Anand Hospital KKR for treatment and after that I was treated at Kalpana Chawla Medical College and Hospital Karnal. I did not get admitted in these hospitals because I was afraid for my family members about this incident.”*

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. The State's counsel opposes bail.

REASONING:

6. It shall be relevant to refer to the following portions of the reply:

*“18. That as per order of this Court of this Hon'ble Court an application was moved before Medical Officer, Sidhu Hospital, Jagadhri, District Yamunanagar for obtaining the current medical condition of the victim/injured namely Uday and the doctor opined that:*

*“Patient namely Uday S/o Sanjeev Kumar, age 22 years was admitted on 27.05.2025 and discharged on 01.06.2025.*

*Patient has weakness on RL. and yeast and fitness on LL. Knee Joint, and limb in Ri lower limb. Crutch and physiotherapy is advised for weakness in RL. yeast and fitness LL Knee.” The copy of doctor opinion is attached as Annexure R-7 for the kind perusal of this Hon'ble Court.*

*x x x x*

*21. That the role of the present petitioner is as under:-*

*a) That as per investigation first verbally abused and later brutally attacked by a group of accused with deadly weapon.*

*b) That as per final investigation report the involvement of the present*

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*petitioner has been corroborated by CCTV footage and identified by eye witness Amandeep and also recovered a wooden danda from the present petitioner on which blood sustained.*

*c) That as per investigation the present petitioner along with his co-accused has caused grievous injuries to the injured with deadly weapon.”*

7. Allegations against the petitioner are that he brutally attacked the victim, however keeping in view the nature of injury, period of custody, nature of weapon used, no ground for further pre-trial incarceration is made out.

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.

9. Per the custody certificate dated 04.08.2025 the petitioner's total custody in this FIR is 02 months.

10. 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.<sup>1</sup>In 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, 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

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<sup>1</sup> 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.

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

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

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

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

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11. Given the above, 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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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 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 10,000.

14. 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 10,000/-, 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.

15. 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)	

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

17. 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.

18. Given the nature of the allegations and the other circumstances peculiar to this

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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.

19. 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.

20. 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."

21. The petitioner is directed to comply with the undertaking made through his Counsel as recorded in the order dated 03-09-2025.

22. 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.

23. The significant consideration for granting bail is that the Court aims to give the

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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.

24. 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.

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

26. 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."

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

(ANOOP CHITKARA)  
JUDGE

19.09.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.