

CRM-M-45550-2025

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

CRM-M-45550-2025
Reserved on: 10.09.2025
Pronounced on: 25.09.2025

Sanjay alias Sanju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harshit Ahuja, Advocate
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	09.09.2021	Bhuna, District Fatehabad	307, 120B, 212, 34 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 10 of the bail petition, custody certificate dated 09.09.2025 as well as reply filed by the State, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	749	22.11.2024	115, 118(1) BNS and 42 of Prisons Act	Azad Nagar, Hisar
2	127	26.09.2021	323, 341, 379B, 506, 427 IPC	Jakhal, Fatehabad
3	245	07.10.2021	120B, 302, 148/149 IPC and 25/54/59 of Arms Act	Bhuna, Fatehabad

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

“...an information was received from Control Room, Fatehabad that Raj Kumar (complainant) son of Dhoop Singh was referred in GH Fatehabad who had sustained bullet injury and was referred to MAMC Agroha/Higher Centre. On this ASI Jasbir Singh could not go to MAMC

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due to late hours. On 09.09.2021, SI Parhlad along with Ct. Sudhir Kumar, Lady Ct. Poonam, SPO Sunil Kumar reached GH, Fatehabad, and obtained ruqa and MLR. In ruqa the injured was referred to MAMC. The injured was not found admitted in MAMC Agroha. The injured was contacted on phone and it was found that he is admitted in Sapra Hospital and obtained ruga and took opinion of doctor about the condition of injured. Doctor declared injured Raj Kumar as fit for statement after which statement of complainant Raj Kumar alias Raja was got recorded on 09.09.2021 who stated that "he is doing work of liquor contractor and has liquor vends of village Gorakhpur and Jandli Kalan circle for the year 2021-22. Sushil son of Tejpal, Sunny son of Satpal and Parvesh Kumar son of Chandi Ram are the partners with him. In the evening of 08.09.2021, at about 08.00 p.m., he, Sunny, Sushil and Parvesh were sitting in front of liquor vend on Siwani Road in village Gorakhpur, then, in the meantime, a white colour Verna car came from the side of Siwani and stopped near them. Four young boys were there in the car, who were armed with the illegal pistols, who are not known but he can recognize them on seeing them. They (assailants) gave lalkara on seeing him that they will teach him the lesson for confronting Bhambu and Ramphal @ Bachhi son of Chandi Ram, resident of Faridpur and that they will kill him and on saying so all the assailants fired on them with the pistols in their hands. He (complainant), Sunny, Sushil and Parvesh tried to save themselves by hiding by running from there. He (complainant) laid down on the earth. One boy fired straight on him which hit him in the fingers of his left foot. When they (complainant) made noise for rescue, then, many passerbyes and vehicles collected over there. All the assailants ran away from there with their weapons towards Gorakhpur. The SHO was informed about this occurrence on his official telephone number from his mobile no. 70158-13622 to the number 88140-11710 on which SHO stated to follow up the vehicle. He (complainant) and Sunny chased those persons in their car i20 bearing registration no.HR-20DG/3959. The above said accused took the vehicle towards Dehman road from Gorakhpur. The accused continued firing on them and they (complainant) chased them and reached village Faridpur from village Dehman to Nehla and then Pabda. The vehicle of the accused hit into the vehicle of the police on the corner of the street of Ramphal @ Bachhi and after that the accused left their vehicle and ran away. At that time, Ramphal @ Bachhi was talking on phone in front of his house in the street and the gate of the house was open and he was in an attempt to hide all the said four accused alongwith the vehicle in his residence and he (complainant) had the

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confrontation with him. SHO and the other police officials were present at that time over there. Police took the Verna car in police possession. He (complainant) was admitted in General Hospital, Fatehabad for treatment for the injuries received by him alongwith Sunny, Sushil and Parvesh. The doctor after giving him the treatment and due to much injuries to the complainant referred him to MAMC, Agroha from where Sushil etc, admitted him in Sapra Hospital, Hisar for treatment where he is under treatment. Ramphal @ Bachi has got the attack on him and his companions with an intention to kill from four unknown boys. About three months earlier also, he had got attack on him to kill him from Bhambu etc. The motive is that Ramphal etc. had killed the salesman on his liquor vend in 2013 regarding which the case was got registered against him. Ramphal @ Bachi get the murderous attack on him again and again. Complainant prayed for take strong legal action against Ramphal @ Bachi and his companions be taken. On the basis of statement of complainant Raj Kumar alias Raja, present case FIR No. 221 dated 09.09.2021 was registered under sections 307, 34, 120B IPC and section 25 of Arms Act at Police Station Bhuna District Fatehabad and investigation was carried out.”

4. Petitioner seeks bail on parity with co-accused Karamjeet @ Kannu, who was granted bail by Coordinate Bench of this Court vide order dated 18.12.2023 passed in CRM-M-62265-2023. 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 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.

6. The State's counsel opposes bail and refers to para 23Q of the reply, which read as follows:

“The Role of petitioner

That the petitioner-accused, Sanjay alias Sanju, is one of the main conspirator and active participant in the crime. His involvement is established on record. Petitioner-accused Sanjay alias Sanju was part of the group that met at co-accused Karamjit alias Golu's farm, where co-

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accused Aman Malik provided him with a 32 bore pistol and cartridges. Petitioner-accused Sanjay alias Sanju confirmed the location of the targets i.e. complainant Raj Kumar alias Raja and Sunny contractor by pretending to buy liquor before actively participating in the firing upon them. In his disclosure statement, petitioner-accused Sanjay alias Sanju disclosed a critical aspect that he used the same pistol in the attempted murder of the contractors as he did in the murder of Pankaj (brother of Raja of Khasa Pathana) on 6.10.2021, an incident for which the pistol was already seized by the police. It is also respectfully submitted that without the active assistance and the support of the present petitioner, it was unlikely to happen the entire occurrence, Complicity of the present petitioner and other co-accused persons was well apparent from the entire course of occurrence.”

REASONING:

7. Allegations against the petitioner are serious but keeping in view the petitioner’s custody and the fact that co-accused has already been granted bail, this Court deems it appropriate to grant him 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.

8. Per paragraph 11 of the bail petition, the petitioner has been in custody since 2021 Per the custody certificate dated 09.09.2025, the petitioner’s total custody in this FIR is 03 years, 09 months & 20 days.

9. 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, 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

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.

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.

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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

10. 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 for further pre-trial incarceration at this stage.

11. 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.

12. 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.

13. 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.

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)	

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

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

⁵ 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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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 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 (Cr.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

18. 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.

19. 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."

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20. 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.

21. 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.

22. 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.

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

24. 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."

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

(ANOOP CHITKARA)
JUDGE

25.09.2025
Anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.