



CRM-M-50511-2023

332 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50511-2023
Date of Decision: 02.09.2025

Amnish Kumar ...Petitioner

Versus

Dinesh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Nidhi Dahiya, Advocate and
Mr. Deepender Singh, Advocate
for the petitioner.

Mr. R.K. Chaudhary, Advocate
for respondent No.1.

Ms. Jasmine Gill, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
264	25.09.2020	Industrial Sector-7 Manesar	148, 149, 323, 325, 506 IPC (Section 302 IPC added later on)

1. Seeking cancellation of bail granted to respondent No.1 by Additional Sessions Judge vide order dated 05.08.2023 in the FIR captioned above, the petitioner has come up before this Court under Section 439(2) r/w 482 CrPC.

2. Counsel for respondent No.1-accused submits that the bail be not cancelled which was given after analyzing evidence and further conditions be imposed including surrender of fire arms, not entering the property of the victim and attending the trial on each and every date.

3. At this stage, counsel for the petitioner wishes to withdraw the present petition. Ordered accordingly.

4. Although, the complainant has withdrawn the petition, but this Court is inclined to add more conditions in the order dated 05.08.2023. Respondent No.1 is directed to comply with the following additional conditions:

- (i) Accused-respondent No.1 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



CRM-M-50511-2023

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.

(ii) Given the background of allegations against the respondent No.1-accused, 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 accused-respondent No.1 shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the accused-respondent No.1 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.

5. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.