

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

CRM-M-44934-2025
Reserved on: 10.09.2025
Pronounced on: 30.09.2025

Satish Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|----------------------------|---|
| 59 | 01.04.2024 | Dhand, District Kaithal | 148, 149, 323, 325, 452, 506 IPC and 25 of Arms Act (Section 307 IPC added later on) |

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 17 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are as under: That on 01.04.2024 an information through telephone has been received in the police station that a fight took place at Jadola Fatak in Balmiki Basti Dhand and on this information ASI Baljit Singh No. 69/Ktl. and other employee ASI Joginder Singh No. 1016/Kaithal, HC Balkar Singh No.930/Kaithal reached at the place of occurrence and no injured person came present there and on enquiry from nearby it has come that a fight took place at about 6 AM and Satish son of Mahabir resident of Dhand fired two bullet in the fight and on this the incharge of Scene of crime team IFSU Dr. Beera Ram was called alongwith his team and who collected the pallets of the bullets while visiting the place of occurrence and gave the same to ASI Baljit Singh and the same has been sealed with the seal of BS/I while putting the same in

plastic box and sample seal has also been prepared separately and the blood has also been collected with the help of cotton from the gall and house and the same has also been sealed with the seal of BS/I while putting the same in plastic hos and the sample seal of the same has also been prepared. No complaint has been given by anyone on the spot. A DDR in this regard has been got entered while visiting in the police station. After some time a rukka has been received in the police station from the civil hospital Kaithal that the injured Aman son of Om Parkash, injured Hari Singh son of Daulat Ram, injured Rajat son of Krishan Kumar, injured Karnail Singh son of Desh Raj, injured Raghubir Singh son of Daulat Ram, injured Balwan Singh son of Payere Lal residents of Dhand are admitted in the civil hospital Kaithal due to the injuries suffered in the fight and on this information ASI Baljit Singh No. 69/Kaithal and EHC Pala Ram No. 1043/Kaithal, HC Satish Kumar No. 849/Kil, HC Karnail Singh No. 29/Ktl. and SPO Randhir Singh No. 212/Ktl reached in the hospital and from there ASI Baljit Singh collected the rukka and medical record i.e. MLR of the injured and got an opinion from the doctor regarding the fitness of the injured and the doctor gave an opinion that all the injured are fit for making the statement and thereafter recorded the statement of injured Aman son of Om Parkash resident of Dhand and the contents of the same are as under that statement of Aman son of Om Parkash resident of Dhand, police Station Dhand District Kaithal aged about 22 years mobile number 80534-83695...stated that I am the permanent resident of the above said address and do manual work. We are two brothers. About 7-8 months ago I had an altercation with Satish son of Mahavir resident of Dhand over sitting in the street near house. This matter was resolved mutually but Satish son of Mahavir was having a grudge over this issue. Today, at about 6.00 AM I was going to railway line Dhand to answer the call of nature. Satish was standing near the railway line and was having a jaili in his hand. Then I reached near Satish, then he gave a jaili blow which was holding in his hand on my left leg over ankle, I Immediately ran away and I entered the home of my uncle (Tau) Krishan of Hari Singh and I raised a voice, on hearing the same, Rajat son of my uncle, who was sleeping in a room on the ground floor, got awoken. At that very time Satish son of Mahavir with a jaili in his hand. Gurmeet son of Mahavir who was having lahti in his hand, Gulzar son of Gurmeet was having a gandashi, Sethi son of Gurmeet was having a gandashi, Mahavir son of Jaimal was having a lathi followed me and entered the house of my uncle Krishan and immediately thereafter Gulzar gave a gandashi blow on my left hand which hit two small fingers of my left hand. My cousin Rajat tried to rescue me, then Gulzar gave a gandashi blow to Rajat on the palm of his left hand. On hearing our noise my aunty (Tai) Usha, son of my uncle (Tau) Harsh came running from the upper floor then Satish, Gurmeet, Sethi, Gulzar and Mahavir alongwith their weapon ran away from the house. When me, Rajat and my aunty Usha and harsh came in the street and raised noise bachao Bachao. Hearing the noise my grandfather Hari Singh son of Daulat Ram. Balwan son of Paire Lal, my grandfather Raghibir son of Daulat Ram, Karnail son of Des Raj came on the spot. When we asked from these persons

about the quarrel, then Gurmeet son of Mahavir gave a lathi blow on the head of Balwan, thereafter Gurmeet again gave a lathi blow which he was holding in his hand on the head of Balwan which hit him on his forehead. Thereafter, Sethi gave a lathi blow on the right leg of Balwan. Then Satish went inside his house running and came back with a country made pistol and on coming with the intention to kill fired two shots towards us, resultantly pellets of country made pistol hit Raghbir on his feet and hit on legs of Karnail and Balwan. At that time, people who were around came running to spot. Seeing the people coming, accused ran away from the spot alongwith their weapons and while going gave a threat that today you are saved but if got a chance in future then you will be killed. That the above said persons have attacked us with the intention to kill. Strict legal action be taken against the above said accused. I have got recorded my statement, which has been read and is correct. Sd/- Aman.”

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.

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 the reply.

7. Recovery of country made pistol has been effected from the petitioner pursuant to his disclosure statement recorded under Section 23 of BSA. Initially, petitioner Satish was having jaili in his hand. Subsequently, he went inside the house and came back with a country made pistol and fired two shots towards the victims and the pellets of the country made pistol hit Raghbir on his feet and hit on the legs of Karnail and Balwan. Despite having been armed with a pistol, the petitioner did not aim at any vitals but aimed at the legs which clearly point out that his intention was not to kill. It is clarified that this Court is making this observation only for the purpose of bail and it shall have no bearing on the merits of the case. Considering this aspect, along with the petitioner's pre-trial custody of around one year and six months as per custody certificate dated 09.09.2025, further custody is unjustified. One more factor which make him entitled for bail is petitioner's clean antecedents.

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 paragraph 2 of the bail petition, the petitioner has been in custody since 03.04.2024. Per the custody certificate dated 09.09.2025, the petitioner's total custody in this FIR is 01 year, 05 months and 05 days.

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.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 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

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, petitioner's clean antecedents and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

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

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.

² 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.

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.

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:

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|----|--|--|
| 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 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 (CrI.) 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. 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.

22. 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.

23. 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.

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

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25. 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.”

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

(ANOOP CHITKARA)
JUDGE

30.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.