

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23339-2025
Reserved on: 07.07.2025
Pronounced on: 22.07.2025

Deepak @ Dipi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajbir Singh, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Sahil Chaudhary, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
785	09.11.2023	Sadar Thanesar, District Kurukshetra	307, 387, 506, 120-B, 379 IPC and 25/54/59 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. In paragraph 20 of the bail petition, the accused declares that he has no criminal antecedents.

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

"2. That the instant FIR came into being on the basis of complaint made by complainant namely Satinder Pal Singh son of Shri Sukhjinder Singh, resident of House No.555, Sector-3, Kurukshetra stating therein that he is running his office under the name and style of Vertex Overseas, wherein he deals in student Visa. On 15.09.2023, he had received threatening call from abroad mobile No.155935xxx on his mobile No.89300xxxx and the caller had demanded the extortion money of Rs.2.00 crores from him and also threatened to kill him. However, at that time, he did not take the said call seriously. The complainant further stated that today i.e. on 09.11.2023, at about 3.15 p.m., when he was standing in the balcony of his house, two youngsters came on a motorcycle and on seeing him standing there, the pillion rider on the said motorcycle fired gunshot aiming at him with an intention to kill him. Out of fear, he bowed down and the bullet hit the window glass of bathroom of his house. The complainant further stated that the motorcycle of assailants was of black colour having no number

plate. The complainant further stated that in the meantime, his father Sukhjinder Singh received phone call from abroad mobile Nos.49155510501781 and 15596805914 on his mobile No.9992540555 and the caller stated that the said gunshot was got fired by them. The complainant raised the suspicion that the above said offence has been committed by Anmol Bishnoi and Aashu @ Bhanu, resident of village Shambhli, District Karnal. He further stated that both the said boys had fled away from the spot on their motorcycle, whom he can identify, if brought before him. With these allegations, the complainant sought for legal action against the culprits. On receipt of above information, instant FIR was registered and investigation was set into motion.”

4. The petitioner’s counsel submits that if this Court grants bail to the petitioner, he would live like a decent human being and would not repeat the offence and if he does so, his bail shall be cancelled.

5. 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 his family.

6. The State’s counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“4. That during investigation, on 14.11.2023, complainant produced the pen-drive containing the CCTV footage of the CCTV camera installed at his house pertaining to place and time of occurrence dated 09.11.2023 along with the certificate under Section 65-B of Indian Evidence Act as well as five photographs of the assailants, which were curled out of the CCTV footage of the occurrence and the same were taken into possession. Thereafter, with the orders of Higher Officer, the investigation of present case was entrusted to Special Task Force, Unit, Karnal.

10. That on 01.12.2023, accused Yashwinder @ Yash was produced/surrendered by said Darshan Lal in STF Unit, Karnal, upon which he was arrested in the present case and on interrogation, accused Yashwinder @ Yash suffered disclosure statement and admitted his guilt and also disclosed that co-accused Mohit @ Tinku was his friend since a long and co-accused Arvind @ Gilli was the son of his real aunt (Bua) namely Smt. Meena and he had also got developed friendship between Mohit @ Tinku and Arind @ Gilli. Said Arvind @ Gilli had contacted with the Laurance gang members namely Aashu @ Bhanu and Kala Rana, who were presently confined in Jail and were having contacts with Anmol Bishnoi and other known criminals and they all used to talk with each other through foreign numbers, Whats-app, Instagram App, Singnal App and other foreign apps and they used to demand extortion money from people by putting them under threat. He further disclosed that he and co-accused Mohit @ Tinku used to remain together since childhood. He/ Yashwinder @ Yash usually used to talk with son of his aunt namely Arvind @ Gilli through Signal App, Instagram or Whats-app. He also disclosed that earlier, accused Arvind @ Gilli was having his Instagram ID with title Arvind Gilli Rana, but after getting the gunshots fired in Kurukshetra, he changed his Instagram ID as Neha Rana, whereas he/ Yashwinder @ Yash was having his Instagram ID with title "Chahat Rana." Accused Yashwinder @ Yash further disclosed that he along with co-accused Mohit @ Tinku used to go to the places as told by co-accused Arvind @ Gilli,

where the persons sent by co-accused Arvind @ Gilli used to hand over the cash amounts of extortion money to them and they (Yashwinder @ Yash and Mohit @ Tinku) used to keep the said extortion money and thereafter, they used to send/transfer the said money to the persons/mobile numbers/bank accounts as provided by Arvind @ Gilli through Pay Bingo and Rupay Pay App by giving the cash amount to shopkeepers namely Prince Gupta and Tushar Singla by visiting their shops. After sending the money, they used to delete the voice message, text message, account number and name of persons to whom the money was transferred from their mobile phones, which were being sent to them by co-accused Arvind @ Gilli. He further disclosed that accused Arvind Gilli used to join the new boys in their gang by alluring and showing them the name of Bishnoi Gang. Accused Yashwinder @ Yash further disclosed that recently, Arvind @ Gilli etc. had demanded the extortion money from the owner of House No.555, Sector-3, Kurukshetra and on his refusal, Arvind @ Gilli, Ashu @ Bhanu Partap, Kala Rana and Anmol Bishnoi had prepared some boys from Gharaunda, Karnal and got threw the paper/Parchi in the said house and thereafter, got fired gunshot in the said house. Thereafter, on his/ Yashwinder @ Yash asking his friend Mohit @ Tinku had sent Rs.5,000/- on 11.11.2023 and Rs.20,000/- on 13.11.2023 to the said boys/assailants from his mobile No.89013xxxx in the bank accounts as provided by Arvind @ Gilli. Accused Yashwinder @ Yash further disclosed that for each work, he used to get the money and he also used to bear the expenses of Mohit @ Tinku. He also disclosed that on certain occasions, on the asking of Arvind @ Gilli, he used to give the money out of the extortion money to mother of Arvind @ Gilli. In pursuance of his disclosure statement, accused Yashwinder @ Yash got recovered the diary, in which he had made entries mentioning the details of extortion money received by him and had further sent the same to co-accused. During investigation, the account statement of bank account of bank account No.501005xxxxx of accused Yashwinder @ Yash with HDFC Bank was obtained and taken into possession.

14. That the petitioner played specific role in the present case. On 09.11.2023, accused Deepak @ Dippi hatched criminal conspiracy with the other co-accused Aman @ Changa, Amarkant, Himanshu and reached at Kurushetra on a motorcycle. Accused Deepak @ Dippi was driving the motorcycle and Aman @ Changa was sitting behind him. They reached a t house No.555, Sector-3, Kurukshetra, where Aman @ Chhaga fired two bullets towards a person standing the balcony of the house. After firing, they both escaped from the spot and reached Namaste Chowk Karnal, where they met Amarkant and Himanshu. They parked the motorcycle at Amarkant's house and went to Haridwar by train. The investigating agency has recovered motorcycle without number plate from the possession of petitioner/accused. One country made pistol 32 bore loaded with two live cartridges and one empty cartridge were recovered from co-accused Aman @ Changa and the petitioner demarcated the place of occurrence, where they gave fire shot.

15. That there is sufficient evidence against petitioner to have committed the above mentioned offence. He had actively participated in the commission of above mentioned organized crime. He is the active member of the gang of known criminals, which is indulged in committing such kind of organized crimes, which is serious threat to the social system. The petitioner along with co-accused used to extort money from the innocent persons by putting them under fear of Lawrance Bishnoi gang and if the victim like complainant did not pay the demanded money, they fired gunshots at the complainant. As such, the offenders like petitioner and co-accused are creating fear in the society and extort money. In the present case also, after committing the incident of firing at the complainant, when co-accused Aman @ Changa and Deepak @ Dippi etc. had gone to Haridwar, on the asking of co-accused Mohit @ Tinku, co-accused Yashwinder @ Yash had sent Rs.5000/- on 11.11.2023 and Rs.20,000/- on

13.11.2023 to Aman @ Changa etc. from his mobile No.89013xxxx in the bank accounts as provided by Arvind @ Gilli, which is also mentioned in the account statements of shopkeepers obtained during investigation. All the above mentioned illegalities were being committed by petitioner and co-accused for lust of money by putting the victims under fear. All these facts have also been admitted by petitioner in his disclosure statement. As such, petitioner had actively participated in the commission of above mentioned offence. Changes in the present case has been framed and if petitioner is enlarged on bail, he can tamper with the prosecution witnesses and he can also hamper the trial by absconding from the process of law. Merely, on the basis of longevity of incarceration, present petitioner is not entitled to the relief of bail as a matter of right. Thus, keeping in view the seriousness of offence, facts and circumstances of the case, role of petitioner in committing the crime and modus operandi of accused persons, petitioner is not entitled to the relief of bail as claimed for.”

REASONING:

8. It is a case of no injury. Coupled with this, counsel for the petitioner made an undertaking not to repeat the offence. 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. As per paragraph 6 of the bail petition, the petitioner has been in custody since 17.11.2023. As per the custody certificate dated 04.07.2025, the petitioner’s total custody in this FIR is 01 year, 07 months and 12 days.

10. Given 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.

12. 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.

13. 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)	

14. This order is subject to the petitioner’s complying with the following terms.

15. 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.

16. 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.

17. 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 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.

18. 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."

19. 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.

20. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the may shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

22. 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.

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

**(ANOOP CHITKARA)
JUDGE**

**22.07.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.