

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

CRM-M-49018-2025
Reserved on: 01.10.2025
Pronounced on: 16.10.2025

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Sindher, Advocate
for the petitioner.

Mr. Rakesh Kumar Jangra, A.A.G., Haryana.

Mr. Bhanu Pratap, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
406	22.12.2023	Nissing, District Karnal	148, 149, 323, 324, 308, 379-B, 427, 452, 506 IPC

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 20 of the bail petition, the petitioner has no criminal antecedents.

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

“3. That in compliance of order passed by this Hon'ble Court, it is submitted that a complaint along with MLR No. GK/NSG/2023/62 DT 21-12-2023 of Sonu and MLR No. GK/NSG/2023/63 DT 21-12-2023 was moved by Rampal S/o Datu Ram to SHO Police Station Nissing, Karnal that on 22.12.2023 at about 08:25/08:30 pm, he was present at Gullarpur Road Power Zone Gym with his nephew. At that time, Deepak Lot, Suresh, Sethi, Ajay son of Sham Lal, Aryan, Rocky, Ravi, who were all armed with gandast, swords, pharsas and followed by 26/27 boys armed with weapons came inside the gym and Rohit @ Rohta, Sethi, Deepak, Kalu, Chanderkant attacked Sonu with sharp-edged weapons with the intention to kill him while Ravi, Ajay, Rocky, Aryan attacked Rahul with sharp-edged weapons. Deepak Lot was carrying a pistol on his waist. Thereafter, on the exhortation of Rohit @ Robta and Deepak

Lot the other boys some of whom had covered their faces, destroyed the gym and snatched cash amount of Rs. 50,800/-, CCTV and DVR. Sethi, Aryan, Sahil Singha, Sethi's brother-in-law from Gharaunda and others are participants in the incident of destruction of property, dacoity and criminal intimidation. Certain other persons, who were using the gym, their mobile phones were also smatched by Rocky and other boys. Deepak Lot and others raised lalkara and threatened that in case any person dares to be a witness or tries to help the complainant party, then they will not spare him. Whole going away, the accused stated that they had merely made the complainant party understand and if they still continued to run the gym without taking them along then they would be killed. Aryan and others also destroyed the motorcycle parked outside the gym with their weapons and left the premises brandishing their weapons in the open. Majority of the assailants are from Balmiki Basti, Nissing, the complainant knows them personally and they all have past criminal record and also enjoy political patronage. Previously also, they had threatened them to close the gym regarding which he had also moved an application. A prayer was made to provide them necessary protection and to take legal action against them. On the said complaint, case FIR No. 406 dated 22.12.2023 U/S 148/149/323/324/308/379-B/427/452 and 506 of IPC police Station Nissing, District Karnal was registered against culprits namely Deepak Lot, Suresh, Sethi, Ajay, Aryan, Rocky, Ravi etc.”

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. He further seeks bail on the grounds of parity with co-accused who have already been granted the concession of regular bail by this Court.

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 as well as counsel for the complainant opposes bail on the ground that accused-petitioner was arrested with great difficulty and refers to following portion of status report, which read as follows:

“5. That accused Deepak @ Chaila, Vikash @ Bashi, Sahil @ Singha, Pankaj Sethi, Ajay S/o Rameshwar and Pardeep @ Kalu were also arrested on 05.01.2024. During the course of investigation, all the above mentioned accused suffered their disclosure statements vide which they admitted the commission of crime of the present case and in pursuance disclosure statements, accused Vikas alias Bashi got recovered Rs. 500/- from out of Rs. 50,800 looted in the incident and danda; accused Sahil alias Singha, got recovered Rs. 300/- and sword

used in the incident; accused Pankaj alias Sethi got recovered Rs. 600/- and axe used in the incident; accused Ajay son of Rameshwar resident of ward No. 5 Nissing got recovered Rs. 500/- and an iron axe, accused Pradeep @ Kalu got recovered Rs. 200/- and stick used in the incident; Deepak alias Chaila got recovered Rs. 400/- and sword used in the crime; and same were taken into the police possession vide recovery memo. The map of the spot of recovery were prepared separately and the statement of witnesses were recorded. Accused Deepak Kumar @ Deep Lot, Vikas @ Bashi, Sahil @ Singa, Pankaj @ Sethi, Ajay, Pradeep @ Kalu or Deepak Chhullu above were produced in the court, which were lodged In District Jail Karnal.

6. *That I.O. recorded the additional statement of complainant Ram Pal, Injured Rahul and Sonu and Rohtas S/o Jai Singh and Vikram S/u Dharam Singh on 09.01.2024 in which they separately stated the names of petitioner accused and co-accused who caused injury to Sonu and Rahul with the intention to kill them and also destroyed the Gym and snatched cash amount Rs. 50,800/-, CCTV and DVR. Sethi, Aryan, Sahil Singha, Sethi's brother-in-law from Gharaunda and others are participants in the incident of destruction of property, dacoity and criminal intimidation. Certain other persons, who were using the Gym, their mobile phones were also snatched by Rocky and other boys. Deepak Lot and others raised lalkara and threatened that in case any person dares to be a witness or tries to help the complainant party, then they will not spare him. While going away, the accused stated that they had merely made the complainant party understand and if they still continue to run the Gym without accompanying the accused, then they would lost their lives, Aryan and others damaged all the bikes standing outside the Gym with their weapons and by displaying weapons in open went away.*

8. *That during investigation on 01.04.2025, absconding accused Ajay Kumar son of Shyam Lal (petitioner) was arrested as per law after evidence was found fit for arrest. During investigation, disclosure statement of accused Ajay Kumar was recorded and he admitted that he in collusion with other co-accused snatched Rs. 50,800/-, and body supplements but he did not recover the looted money came in his share nor supplement from his possession. He identified the place of occurrence. The arrest of co-accused namely Pritam, Ashwani, Rabul, Aryan, Goldey. Gaurav, Rinku, Kabir Rohtkiya, Rohit and others are yet to be arrested in the present case.”*

7. 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. Moreover, co-accused with similar role has already been granted bail.

8. Per paragraph 6 of the bail petition, the petitioner has been in custody since 02.04.2024. Per the custody certificate dated 05.09.2025, the petitioner's total custody in this FIR is 05 months and 04 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 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

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.

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)	

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 (CrI.) 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."

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. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

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

CRM-M-49018-2025

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

16.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.