

CRM-M-36059-2025

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

CRM-M-36059-2025
Reserved on: 24.07.2025
Pronounced on: 31.07.2025

Lakhwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Dr. Jasmine, Gill, AAG, Haryana

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
200	09.06.2024	Ellanabad, District Sirsa	323, 324, 34, 379B IPC (Section 326 & 411 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. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the order dated 16.06.2025 passed by the Additional Sessions Judge, Sirsa, Haryana, which reads as follows:

“The brief facts of the prosecution are that on 07.06.2024, an information was received to the effect that near Maniram Jhorar College Sirsa, a person has been beaten by some persons. On receiving the said information, police party reached the spot and got the injured admitted at Civil Hospital, Ellenabad. The name of the injured was found to be Lalan Yadav son of Sehdev Yadav. Thereafter, said injured was referred to Sirsa. The injured then got himself admitted at Aastha Hospital. On 08.06.2024, after taking opinion regarding fitness of injured for making statement, statement of injured/complainant Lalan Yadav was got recorded to the effect that he works in the Dairy of Ravi son of Satish Jain. On 07.06.2024

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at around 09:00 pm, he was going to meet his friend Mohan Lal resident of Ellenabad on motor-cycle bearing registration No.HR24AB-7912 owned by his Master namely Ravi. When he crossed Village Poharka, one motor-cycle came from the backside on which three persons were riding. The said motor-cycle then blocked the way of his motor-cycle. Thereafter, all the persons riding said motor-cycle, armed with sharp edged weapons came towards him and asked him to give money and thereafter started beating him with their weapons. He received injuries on his right hand. He told them that he is not carrying any money but they did not agree and continued beating him and gave him injuries on his hand, back and head. Thereafter, one of the assailant snatched mobile phone from the pocket of his lower and also started searching for money but since there was no money carried by him, the assailants tried to flee away towards Ellenabad taking his mobile as well as motorcycle of his master. Meanwhile, police car came from the side of Ellenabad and on hearing the police siren, said assailants got frightened and as such could not start the motor-cycle and thereafter they fled away from the spot alongwith their weapons and his mobile, leaving their motor-cycle. He was then rescued by the police officials who took him to the hospital. On the basis of this statement, FIR was registered. On the basis of this statement, instant FIR under Sections 379-B, 34 IPC was registered and investigation was set into motion.”

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. Counsel further 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.

5. The State's counsel opposes bail.

REASONING:

6. Although the allegations against the petitioner are very serious and the nature of crime is cruel, but the petitioner is in custody for more than 01 year and 01 month and co-accused/Harpreet Singh has already been granted bail by coordinate bench of this court, vide order dated 08.04.2025 passed in CRM-M-51684 of 2024 and coupled with the petitioner's undertaking, this Court deems it appropriate to give one more chance to

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the petitioner to reform and live like a decent human being by coming to the mainstream. These are the community factors which are not Justified for further pretrial custody and makes the petitioner entitled for bail.

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.

8. Per paragraph 3 of the bail petition, the petitioner has been in custody since 13.06.2024 and accordingly his custody in this FIR is approximately 01 year & 01 month.

9. 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.

10. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. 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.

15. 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

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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.

16. 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."

17. 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.

18. 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.

19. 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.

20. 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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21. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.