

CRM-M-28817-2025

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

CRM-M-28817-2025  
Reserved on: 08.07.2025  
Pronounced on: 30.07.2025

Vikram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohit, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	09.09.2021	Bhuna, District Fatehabad	307, 34, 120-B IPC and 25/54/59 of Arms Act (Final Report submitted u/s 307, 34, 120-B, 212 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. Per paragraph 26 of the bail application and paragraph 20 (I) of status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	108	28.05.2021	188, 34, 307 IPC and 25 of Arms Act	Bhuna
2.	295	29.12.2017	307, 332, 353, 186, 34 IPC	Bhattu Kalan
3.	220	12.09.2017	395 IPC	Bhattu Kalan
4.	114/2017	-	148, 149, 302, 325, 458, 460 IPC and 25 of Arms Act	Nathusari Chopta
5.	168	26.05.2020	148, 149, 307, 323, 341 IPC and 25 of Arms Act	Bhuna
6.	387	18.11.2020	18 of NDPS Act	Sadar Fatehabad
7.	56	21.03.2021	398, 401 IPC and 25 of Arms Act	Bhuna
8.	425/2022	-	Prison Act	Civil Line Sirsa
9.	66/2017	-	Excise Act	Boha
10.	383/2020	-	Arms Act	Bhuna
11.	245/2021	-	302 IPC	Bhuna

12.	356	09.10.2024	109, 3(5) BNS and 25-54-59 of Arms Act	Bhuna
13.	795/2021	-	398, 401, 115, 120-B IPC and 25 of Arms Act	City Hansi
14.	01	01.01.2025	25 of Arms Act	Bhuna
15.	520/2021	-	323 IPC and 42 of Prisons Act	Sadar Hisar
16.	221/2021	-	332, 353, 307, 394, 120-B IPC and 3/25 of Arms Act	Ranoli

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

*“Statement of Raj Kumar Raja s/o Dhoop Singh s/o Gulab Singh R/o Kannoh District Hisar aged 40 years Mb 70158-13622. Stated that I am resident of above-mentioned address and does work of liquor contractor. I own the liquor vends of village Gorakhpur and Jandali Kalan circle for year 2021-22. Sushil s/o Tejpal R/o Badhayi Khera, Sunny s/o Satpal R/o Gorakhpur and Parvesh Kumar s/o Chandni Ram resident of Kannoh are my partners. Yesterday on 8-9-21 in evening at about 8 o'clock I and Sunny, Sushil and Parvesh were sitting in front of liquor vend on Siwani Road village Gorakhpur, then one white colour Verna car parked in front of us while coming from side of village Siwani in which 4 young persons were sitting. All four were having illegal pistols whom their names addresses are not known to me, but I can identify them upon coming in front of me. Those persons upon seeing me raised lalkara that today we will learn a lesson to you for developing the dispute with Bhambu and Ramphal @ Bachi s/o Chandni Ram resident of Faridpur. Today you will be killed and by saying this all persons started firing on us from the pistols held by them in their hands with intention to kill us. I & Sunny, Sushil & Parvesh being frightened, while running from spot attempted to save our lives and I laid on land, then one boy shot direct fire upon me. That bullet hit on my panja of my left leg and when we raised the voice of Mar Diya Mar Diya, then various passerby & vehicles assembled on spot. Upon seeing them all four young boys fled towards Gorakhpur alongwith their vehicle & weapons. Then I from my mob. no. 70158-xxxxx called to S.H.O. on his government no. 88140-xxxxx and informed him about the occurrence, then SHO told me that you should follow that car, I am coming, then I & Sunny from our vehicle I-20 no. HR-26 DG/3959 started following them, then abovesaid boys rushed their vehicle from Gorakhpur to Dehman road and they continued firing upon us and while following the vehicle from village Dehman to Nehla Pabda reached in village Faridpur and those four boys due to collusion of their car in the police vehicle on the corner of street near the house of Ramphal alias Bachi, fled after leaving the car. That at that time, Ramphal alias Bachi was in the street while talking on phone and gate of house was open. He was in planning to hide all the four boys alongwith their vehicle in his house. I indulged in hot altercations with him. On spot SHO and other police officials reached on spot who took the above-mentioned Verna car in the police possession. Thereafter Sunny, Sushil & Parvesh admitted me in the GH Fatehabad due to injuries sustained by me where doctor after giving me first aid, due to excessive injuries referred me to*

*MAMC Agroha. From where Sushil etc took me to Sapra Hospital Hisar for treatment where my treatment is going on. That Ramphal alias Bachhi has got attacked on me & my associates from 4 unknown persons with intention to kill me who around 3 months earlier also got attacked on me through Bhambhu etc. Reason of dispute is that in year 2013 Ramphal etc. got killed one salesman of my liquor vend against whom we got registered the case. Therefore Ramphal alias Bachhi attacked on me again & again. Stringent action be taken on Ramphal alias Bachhi and his associates. Now I have read my statement listen over, heard which is correct. Sd-Rajkumar.”*

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 State's counsel opposes bail and refers to the status report.

6. 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.

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

*“The Role of petitioner*

*(i) There are serious allegations against the present-accused Vikram alias Bhambhu as petitioner-accused Vikram @ Bhambhu have nursing grudge against present complainant because of liquor contracts and in order to satisfy that grudge, entire occurrence was happened.*

*(ii) The present petitioner-accused is main the conspirator with other accused persons. Petitioner-accused Vikram @ Bhambhu made plan with co-accused Aman Malik to kill complainant Raj Kumar alias Raja & Sunny Thekedar to taught them a lesson upon taking the liquor contracts. And according to their plan, on 08.09.2021, co-accused Aman Malik fired on Raj Kumar alias Raja and Sunny with the intention to kill them but by chance, complainant Raj Kumar got injured due to bullet injury on his leg.”*

8. Petitioner was not named in FIR and no specific role was attributed to him. His role is based on disclosure statement of co-accused and the legal admissibility of disclosure statement is one of the grounds to grant bail. Further, the injury which was caused to the complainant was attributed to another accused.

9. 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.

10. Per paragraph 20 of the bail petition, the petitioner has been in custody since 11.10.2021. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 02 years and 18 days.

11. 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.

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 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.

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 (Cr.) 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. 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.

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

(ANOOP CHITKARA)  
JUDGE

30.07.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.