

CRM-M-57807-2024

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

CRM-M-57807-2024
Reserved on: 05.03.2025
Pronounced on: 17.03.2025

Ankit Pandit @ Ankit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
560	28.05.2019	Sadar Karnal, District Karnal	224, 225, 216, 307, 120-B, 34 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 15 of the bail application and paragraph 7 of status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	286/2019	-	302/34/452 IPC and 25/54/59 of Arms Act	Hathin
2.	487/2019	-	307/34/420/467/468/471/120-B/ 216 IPC and 5/25, 27 of Arms Act	Suratgarh
3.	118/2019	-	307/332/336/34/353 IPC and 3/25 of Arms Act	Mahajan Bikaner
4.	399/2014	-	302/34 IPC and 25/54/59 of Arms Act	Sadar Palwal
5.	157/2023	-	285/506/201/34 IPC and 25/54/59 of Arms Act	Mundkati
6.	147/2019	-	307/34/120-B IPC and 25/54/59 of Arms Act	Camp Palwal
7.	177/2019	-	302/34/120-B IPC and 25/54/59 of Arms Act	Camp Palwal
8.	318/2019	-	302/34/120-B IPC	Camp Palwal
9.	263/2019	-	34/392/397/411 IPC and 25 of Arms Act	Kherki Dhaula
10.	200/2016	-	302 IPC & 25/54/59 of Arms Act	Hathin
11.	350/2016	-	379 IPC	City Palwal
12.	687/2013	-	323/324/506 IPC	Camp Palwal

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

“Brief facts of the case are that on dated 28.5.19, a VT was received from the Control Room, Karnal to the effect that at New Bus Stand in the area of Balri, three young boys after firing on the police officials, have taken away after getting a prisoner released. On this VT, ASI Sultan alongwith HC Mukesh Kumar 620, HC Randhir Singh 286, C-1 Sukhwinder Singh 541, reached at New Bus Stand, where it was revealed that three officials from Yamuna Nagar had come to produce prisoner Sunil Kumar alias Kheera at Karnal Sessions Court. After Peshi, they were standing at New Bus Stand for going back to Yamuna Nagar. The three young boys had opened firing on the officials and bullets have been hit to the two officials, who have been taken by PCR-12 for treatment in Karnal Hospital. During this the MHC of Police Station Sadar, Karnal intimated that Doctor's ruqa has been received from Trauma Centre. After receiving Doctor's Ruqa and MLRs from the police station, ASI Sultan with his companions reached at Trauma Centre, Karnal, from where it was revealed that both the officials have been referred to Kalpana Chawla Medical College, Karnal by the Doctor Sahab, on which ASI Sultan alongwith accompanying officials reached in Kalpana Chawla Medical College, Karnal, where opinion was sought from Doctor Sahab, who were declared as FIT FOR STATEMENT, on which aforesaid Suresh Kumar got his aforesaid statement recorded to ASI Sultan Singh, which is as under-Statement of SI Suresh Pal NO 884/YNR, Police Line, Yamuna Nagar son of Shri LT. Jagdish Singh, caste Brahman, resident of Jogi Majra, Police Station Ladwa, District Kurukshetra, aged 52 years. It is stated that I am resident of the aforesaid address and posted as SI in Police Line, Yamuna Nagar. Today on 28.05.19, there was Peshi of Prisoner Sunil alias Monu alias Kheera son of Rajkumar, Caste Ror, resident of Bhadad, Police Station Matlauda, District Panipat, at present Gali No.7, Karan Vihar, Karnal lodged in Jagadhri Jail, in case FIR No.475/16, U/S 302, 34 IPC, 25-54-59 Arms Act, PS Sadar, Karnal in the court of Shri Rajender Dhanda, ASJ Karnal and I alongwith HC Vinod Kumar 400/YNR, C. Sandeep Kumar 603/YNR were deputed to produce prisoner Sunil alias Monu alias Kheera aforesaid. HC Vinod Kumar 400/YNR was also having Carbine. C. Sandeep Kumar 603/YNR was having handcuff. We had taken out prisoner Sunil alias Monu alias Kheera aforesaid at about 9.00 AM from Jagadhri Jail and from Jagadhri we had reached in Karnal Court in Haryana Roadways Bus at about 11.00 AM. Shri Rajender Dhanda ASJ Karnal was on leave. We had produced the aforesaid inmate Sunil in the court of Sh. RK Mehta, ASJ Karnal and next date of hearing was given as 26.08.19. At about 11.30 AM, we had come from Karnal Court to Nirmal Kutia Chowk, from where we had boarded in a bus going to Chandigarh for coming at New Bus Stand, which got us alighted at New Bus Stand. At about 12.15 PM we after alighting at New Bus Stand, for getting bus for Yamuna Nagar, were just standing near Counter No.2, when suddenly three young boys, aged about 25/26 years and out of them one, who was

having spray, threw spray in the eyes of HC Vinod Kumar and after that he threw spray in the eyes of me and C. Sandeep and less spray hit in the eyes of C. Sandeep Kumar, one boy fired with the country made pistol having in his hand on HC Vinod Kumar and bullet passed from the side. I had taken from HC Vinod Kumar his carbine for firing and started taking cover behind the pillar, then the said boy had fired a bullet on my left leg, which was hit in my knee from behind. On hitting bullet I had fallen down and carbine had also fallen down. That boy had fired one another bullet on me and I came in the side of the bus and that was not hit me. One another boy had fired two bullets on C. Sandeep Kumar, which were hit on both of his legs, who on suffering bullet, had fallen down and the prisoner Sunil Monu Khera aforesaid had taken out shackle knob from the belt of C. Sandeep. When the prisoner Sunil Khera started running, accomplice of the prisoner started firing on HC Vinod Kumar and then HC Vinod Kumar had taken him into his grip and snatched away the pistol which he was having in his hand and they all four had fled away from the spot. The General Public had dialed in the Control Room as well as the police and PCR reached at the spot, which brought us for treatment at Trauma Centre, Karnal, where Doctor Sahab after conducting our medical examination, referred us to Kalpana Chawla Medical College, Karnal. The prisoner Sunil Monu Khera aforesaid and his three accomplices had fired on the police with intention to kill them with unauthorized weapons, due to which I and C. Sandeep Kumar suffered bullets and all three have taken away prisoner Sunil after getting him released from the police custody, against whom legal action may be taken. Statement has been got recorded, which has been heard and is correct.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner submits that the petitioner undertakes to reform himself and live a decent and peaceful life.

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

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

“8. That accused namely Ankit was completely and wholly involved in commission of the offence of the present case as he was one of the person who was doing raki of police officials before committing the present offence and then sprayed chilly spray before firing bullets with his pistol upon the police officials for freeing the co-accused Sunil @ Monu @ Khira from the lawful custody. It is pertinent to mention here that the present accused is involved in many criminal cases with similar offences which are very serious and heinous in nature. Moreover, there is sufficient prima facie evidence available on the case file against the accused Ankit. However, custody certificate of the petitioner/accused is attached as Annexure R-1 for the kind perusal of this Hon'ble Court. The trial in the present case is still

going on and material prosecution witnesses are yet to be examined. In such circumstances, there is very apprehension that if the petitioner/accused is released Mon bail he may extend threatening to the prosecution witnesses or he might influence the prosecution witnesses and abscond from the process of law.”

REASONING:

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. Per paragraph 9 of the bail petition, the petitioner has been in custody since 02.10.2019. Per the custody certificate dated 02.12.2024, the petitioner's total custody in this FIR is 05 years, 02 months and 01 day. 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. Given the long period of custody, criminal history shall not come in the way of petitioner's bail.

8. 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.

9. 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.

10. 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)	

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

12. 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.

13. Given the background of allegations against the petitioner, it becomes paramount to protect 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

14. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home and workplace.

15. 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."

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

17. 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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18. 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.

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

(ANOOP CHITKARA)
JUDGE

17.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.