

CRM-M-38626-2025

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

CRM-M-38626-2025
Reserved on: 01.08.2025
Pronounced on: 13.08.2025

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|---|--|
| 254 | 18.10.2022 | Chhehratta, District Police Commissionerate Amritsar | 379-B, 506, 34 IPC (Charges framed under Sections 379- B(2), 411, 34 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 10 of the bail petition as well as custody certificate dated 30.07.2025, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date | Offenses | Police Station |
|---------|---------|------------|---|-------------------------------------|
| 1 | 116 | 06.11.2023 | 21C, 29/61/85 of NDPS Act | Valtoha |
| 2 | 270 | 08.11.2022 | 307, 148, 149, 312, IPC and 25/54/59 of Arms Act | Chherretta |
| 3 | 104 | 06.11.2023 | 21-C/61/85 of NDPS Act | Khem Karan |
| 4 | 33 | 25.05.2024 | 25/54/59 of Arms Act and 120B IPC | SSOC (State Special Operation Cell) |
| 5 | 30 | 19.05.2024 | 25 of Arms Act and Sections 120B IPC, Section 27A of NDPS Act | SSOC (State Special Operation Cell) |
| 6 | 179 | 03.09.2024 | 25/54/59 of Arms Act | Civil Lines |
| 7 | 175 | 21.12.2023 | 186/188/506 IPC | City Patti |

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| | | | | |
|---|-----|------------|----------------------|-------------|
| 8 | 302 | 11.07.2018 | 21/61/85 of NDPS Act | Civil Lines |
| 9 | 209 | 23.09.2018 | 21/61/85 of NDPS Act | Chherretta |

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

“Statement of Rajpal s/o Banwari Lal, R/o 21 Quarter Krishana Mandir Wali Gali, Government Quarter, Naraingarh, Chheharta, Amritsar, aged about 35 years, Mobile Number 9646058168. Stated that I am resident of above mentioned address and I am doing the job of Safai Sewak in Corporation Department. On 09.10.2022 at about 09.00 P.M., I alongwith Love, resident of 21 Quarter Naraingarh Chheharta on motorcycle after taking milk from Kiran Diary were coming back and when we reached near Shop of Shiv Ret Bajri then one 1-20 of white color in which Harpal Singh Modi, resident of Kapargarh, Gobinda resident of Navi Abadi, to whom I know earlier alongwith 02 other unidentified persons, came. After coming out, Harpal Singh Modi and Gobinda asked me about my son Sagar and after caught holding me from my neck, started giving beatings to me after taking out baseball from the car and giving threats to kill. I raised alarm to save then on seeing the gathering of people, Harpal Singh and Gobinda alongwith his associates ran away from the spot in their car and they snatched my motorcycle Hero Honda bearing No. PB02 DY 9351. Till now I was searching my motorcycle at my own, which was not found. Today I was coming to you to give information, you met on the way. Legal action may kindly be taken. Statement recorded and is correct. Sd/- Rajpal. Attested Sd/- ASI Kanshrak 2167/ASR.”

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. Allegations against the petitioner are that he in connivance with two other

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persons, has snatched complainant's motorcycle and gave him beatings.

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 the custody certificate dated 30.07.2025, the petitioner's total custody in this FIR is 01 year 08 months & 07 days.

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 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*

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Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

16. 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.

17. 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."

18. 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.

19. 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.

20. 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

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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.

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

13.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.