

CRM-M-4668-2025

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

CRM-M-4668-2025  
Reserved on: 07.07.2025  
Pronounced on: 23.07.2025

Bhagwan Singh alias Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Verma, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
162	13.12.2019	Moonak, District Sangrur	307, 224, 332, 353, 186, 130, 148, 149, 201, 483, 411, 120B IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. Per paragraph 16 of the bail petition as well as custody certificate dated 06.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	105	24.07.2016	341, 323, 120B, 109, 34 IPC	Lehra, District Sangrur
2	61	16.06.2017	302, 392, 120B, 34 IPC & 25 of Arms Act	Bretta, District Mansa
3	28	04.02.2020	302, 382, 483, 201, 34 IPC and 25 of Arms Act	Lehra, District Sangrur
4	605	13.12.2019	379-A, 34 IPC	City Tohana, District Fatehabad
5	157	30.07.2020	309 IPC	City-I, Sangrur, District Sangrur
6	192	03.08.2021	307, 506, 120B IPC and 25/27 of Arms Act	Lehra, District Sangrur
7	221	09.09.2021	307, 120B, 34 IPC	Bhuna, District Fatehabad
8	91	29.07.2023	21, 29, 61, 85 of NDPS Act	Dirbha
9	75	08.04.2022	52-A of Prison Act	Sadar Nabha

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3. The facts and allegations are being taken from the copy of FIR (Annexure P-1), which reads as follows:

*“Stated that I am a resident of above stated address, serving in Punjab Government, Police Department. Now I am posted at Police Line B in General duty. Today on 13.12.2019, alongwith Jaspal Singh 2212/Bathinda, Sepoy Charanjeet Singh 1283/Bathinda, time about 9:00 AM from Central Jail, Bathinda took my private Car bearing No.PB-11CB-5805 Marka RITZ, accompanying accused Bhagwan Singh alias Gaggi son of Jasdeep Singh, resident of Ladal, Police Station Lahira, District Sangrur, who has been convicted in FIR No.105 dated 24.07.2016 under Section 341, 323, 120 B, 109, 34 of CT IPC at Police Station Lahira, confined in Central Jail Bhatinda, was bringing with handcuff to the accused for appearing in the Hon’ble Court of ....JMIC, Moonak, District Sangrur. And after presenting the accused before the Court and after giving next dated by the Hon’ble Court time would be about 12.30 PM, bringing the accused with handcuff along with other staff employees started from Court Moonak to Bathinda. When reached at gate outside of the Moonak Court which is at Moonak Patran Road, then there already standing a vehicle bearing no.PB-05AG-6605 Marka BREEZA, color white where already four-five unknown persons were sitting, then the accused Bahgwant Singh alias Gaggi told that he is feeling vomiting stop the vehicle, I will vomit. When we stopped the vehicle, then four-five persons already sitting in a car standing there two persons with preplanned came out of a vehicle bearing No. PB-05AG-6605 Marka Breeza color white and started triggering to us with the intention of killing. Which the bullet hit Sepoy Charanjit Singh 1283/Bathinda in the right thigh, causing us to panic, came towards our side took away Bhagwan Singh from us put him in the vehicle with the said number and drove it towards Moonak side., we followed the vehicle and in response C.2 Jaspal fired three shots at the tires of the vehicle from his carbine, but the said person ran his vehicle from Moonak barrier towards Tohana side. I, along with other staff employees followed their vehicle but the accused persons managed to ran away by leaving their vehicle near canal Tohana, Tohana-Hissar road. Then we brought our injured fellow Sepoy Charanjit Singh 1283/Bathinda from Tohana to Government Hospital, Moonak and admitted him there. Where Doctor after giving first aid and referred him to higher hospital. I arranged for an ambulance to return back from Tohana to Moonak to the injured sepoy Charanjit Singh with C.2 Jaspal to the hospital at Moonak for treatment. I came the Police Station where you,*

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*along with Police party have met me at T-Point Balran Road Moonak. By releasing the accused from us they have committed an offence I can identify the above four-disrupted or duty. five unknown accused persons if come in front of me. Vehicle bearing no.PB-05AG-6605 Marka BREEZA, color white and four-five unknown persons along with Bhagwan Singh action should be taken again them. Statement is got written, read out and heard.”*

4. The petitioner's counsel seeks bail on the ground that this is a false case and police officials to save themselves have implicated the petitioner. He further 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 reply.

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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions 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 reply, which read as follows:

*“Bhagwan Singh @ Gaggi (present petitioner) who was an accused in FIR No. 105 dated 24.07.2014 under section 341,323,120-B,109,34, IPC, P.S. Lehra and was lodged in Central Jail, Bathinda. On dated 13.12.2019, ASIBaldev Singh No. 734/BTI, along with C-II Jaspal Singh No. 2212/BTI and Constable Charanjit Singh No, 1283/BTI by taking Bhagwan Singh @ Gaggi (now, petitioner) from central jail, Bathinda came to Court complex Moonak, District Sangrur for producing him before the Court of Learned JMIC, Moonak. While the Police party after attending the Court proceedings came out of the Court complex, Moonak and was taking back Bhagwan Singh @ Gaggi (present petitioner) to Central Jail, Bathinda. Then under a well planned criminal conspiracy already hatched by accused/petitioner with his co-accused Lakhwinder Singh and others who came on two motorcycles and on Brezza vehicle No.PB-05AG-6605 and stood outside the Court complex, then Bhagwan Singh @ Gaggi with the pretext of vomiting got alighted from the police*

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*vehicle, then his other co-accused by firing shots towards ASI Baldev Singh and other police officials with the intention to kill them got released Bhagwan Singh @ Gaggi (petitioner) from the Police custody. Apparently a specific role of the Bhagwan Singh @ Gaggi (present petitioner) is quite clear as he was one who was got released from Police custody along with hand cuffs and then all the accused by taking along the petitioner fled away from the spot. So, the allegations against the present petitioner are grave in nature.”*

REASONING:

8. Perusal of the above would reveal that there is sufficient evidence against the petitioner. It would be appropriate to refer to following portion of the status report, which reads as follows:-

*“B. The evidence against the petitioner*

*On 13.12.2019 the police party headed by Baldev Singh and co-officials by taking petitioner accused from Central Jail, Bathinda came to Court complex, Moonak for producing the petitioner in the Court of Learned JMJC, Moonak in FIR No. 105 dated 24.07.2014 under section 341,323,120-B,109,34, IPC, P.S. Lehra. Accused petitioner by hatching a criminal conspiracy with his other co-accused by firing shots towards the Police party with the intention to kill them and got released the petitioner from the Police custody and they took along the petitioner along with hand cuffs and fled away from the spot. Accused/petitioner Bhagwan Singh @ Gaggi was arrested on 06.07.2020 and the handcuff, which he took along while fleeing away from the police custody, was recovered from him.*

*ii) As per the detail given above, two motorcycle used by the other co-accused namely Simrandeep Singh @ Sony and Lakhwinder Singh in the commission of present offence, were also recovered from him.*

9. Petitioner seeks bail on parity with co-accused Chamkaur Singh alias Ricky, who was granted bail by this Court vide order dated 19.05.2025 passed in CRM-M-10995-2025. Although there is evidence against the petitioner but this Court granted bail to similarly placed co-accused who also had criminal antecedents. Thus, coupled with the fact that other co-accused with almost same allegations, have been granted bail and the undertaking given by the petitioner, he is entitled to bail.

10. 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.

11. Per the custody certificate dated 06.07.2025 the petitioner's total custody in this

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FIR is 01 year, 05 months & 06 days.

12. 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.

13. 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.

14. 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.

15. 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)	

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

17. 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.

18. 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.

19. 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

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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.

20. 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."

21. 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.

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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail as well as in all other pending cases, 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

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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

23.07.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.