

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8963-2025
Reserved on: 06.08.2025
Pronounced on: 27.08.2025

GURWINDER SINGH @ SUNNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
087	19.12.2022	Mehta, Police District Amritsar Rural, District Amritsar	379-B(2) IPC

- 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.
- Per paragraph 05 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	31	05.06.2023	25 of Arms Act, 1959	Mehta

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

“Statement of Davinder Singh S/o Ajit Singh resident of Kaam Tehsil, Batala, District Gurdaspur, aged about 45 years, District Gurdaspur, Mobile No. 99150-75752, stated that I am resident of the abovesaid address and do the work of agriculture. on 18.12.2022, I came ridding on my Motorcycle bearing No. PB 18 V- 9272, brand HF deluxe, colour black from my village Kaam to going to pay obeisance at Gurdwara Shri Guru Teg Bahadur, Baba Bakala Sahib. The time was around 4:30, PM, in the day, I was going on the link road of village Gagarbahana to Mucchal, when, I reached ahead from the village Gagarbahananear the field of Sugarcane (Kmaad), then, there was 4 persons already hidden in the Sugarcane filed (Kmaad), who had covered their faces with clothes. The person came out of the field of Sugarcane (Kmaad), out of them, one was armed with Dattar and second was holding a Gandasi in his hand and stopped my

motorcycle by giving threat with weapon. I was scared and saved my life running towards the fields by throwing my motorcycle, when I saw by turning back, the abovesaid 4 person took my motorcycle and fled away from the spot. I saved my life from the abovesaid four person by running. Kindly appropriate legal action be taken against them.”

4. The petitioner's Counsel submits that the matter stands compromised with the victim(s) and petition for quashing of FIR has already been filed before this Court bearing No.CRM-M-35432-2025, which is pending for 09.09.2025 in which, victim is represented by counsel.
5. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
6. The State's counsel opposes bail on instructions.

REASONING:

7. Per paragraph 04 of the bail petition, the petitioner has been in custody since 05.06.2023.
8. Given the fact of compromise, the penal provisions invoked vis-à-vis 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.
9. 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.
10. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.
11. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

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. 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.

14. 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.

15. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the concerned Court, which shall be at liberty to cancel this bail.**

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments. 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.

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

**(ANOOP CHITKARA)
JUDGE**

27.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.