

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

CRM-M-26294-2025  
Reserved on: 08.07.2025  
Pronounced on: 28.07.2025

Jaswinder Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohit Kumar, 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
50	22.07.2024	Sandaur, District Malerkotla	109(1), 126(2), 115(2), 117(2), 191(3), 190, 61(2) BNS (Section 25, 54, 59 of Arms Act added later on)

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 24 of the bail petition, petitioner has no criminal antecedents.

3. The facts and allegations are taken from the status report filed by State counsel, which reads as follows:

*“3. That pursuant to the said order, it is respectfully submitted that the brief factual matrix pertaining to the present case are that on 21th July 2024, an information was received from the Civil Hospital, Malerkotla regarding the admission of Jaswinder Singh and Gurdhalan Singh sons of Avtar Singh, resident of Village Kalyan, due to injuries and it was further informed that the injured(s) have been referred to Rajindra Hospital, Patiala. Whereupon, on 22.07.2024, A.S.I. Harjinder Singh No.1366/SGR of Police Station Sandaur along with co-officials visited the Rajindra Hospital, Patiala and obtained the opinion of doctor regarding the fitness of injured(s) Jaswinder Singh and Gurdhian Singh to give statement and the doctor declared the injured(s) fit for giving statement. Then, injured Jaswinder Singh got recorded his statement to the effect that on 21.07.2024, at about 01.00 PM, he along with his mother had gone to biscuit factory of his parental uncle namely, Tarsem Singh son of Ajaib Singh, resident of Village Kalyan for preparation of biscuits, where his aunt Baljeet*

*Kaur was also present. At about 02.15 PM, his brother Gurdhian Singh also came there. At about 02:30 P.M., one Swift Car, one Scorpio Car bearing registration No.PB-11-CZ-9361, followed by one Alto Car and i-20 Car came from the side of his village. The occupants of the car were namely, Harpreet Singh @ Happy son of Rajinder Singh armed with Gandasa, Manpreet Singh @ Mani son of Rajinder Singh armed with Iron Rod, Gurkamal Singh @ Landa son of Ruldu Singh armed with Kirpan, Baljit Singh @ Booby son of Rajinder Singh armed with Stick, Mani son of Singara Singh armed with Iron Daah came out of the vehicle. From the car, behind Jasni son of Harmail Singh armed with Stick, Yad @ Yadu armed with Iron Rod and 15-16 unidentified persons came out who were armed with Sticks, Iron Rods and Kirpan. Harpreet Singh & Happy raised lalkara not to spare the complainant Jaswinder Singh and Gurdhian Singh and that they be taught a lesson for opposing them. Complainant and his brother ran away from the spot. Harpreet Singh @ Happy and Manpreet Singh Mani again raised lalkara to catch hold of them. Harpreet Singh gave a Gandasa blow to his brother Gurdhian Singh who fell down near biscuit factory. Manpreet Singh @ Mani gave a blow on his head. Manpreet Singh gave an Iron Rod blow on the head of his brother Gurdhian Singh with an intention to kill him. His brother fell down whereas he raised hue and cry. Then Gurkamal Singh gave Kirpan blow on the left knee of his brother Gurdhian Singh. Gurkamal Singh gave another blow on the left knee of his brother. Then Gurkamal Singh gave Kirpan blow on his head with an intention to kill him. Manpreet Singh gave an Iron Rod blow on his head and he fell down. Harpreet Singh @ Happy gave Gandasa blow on the left arm of his brother Gurdhian Singh due to which his left arm got fractured. Remaining accused with their respective weapons also inflicted injuries. His paternal Uncle Tarsem Singh, his paternal aunt Baljit Kaur and mother Harjit Kaur raised alarm and on the road many passerby were gathered. Then all the accused along with their respective weapons fled away from the spot on their vehicle. Around 15/20 days ago, a dispute occurred in his Village with which he and his family members have nothing to do. Gorakh Nath son of Harnam Singh and Rajinder Singh Fauji son of Nirmal Singh of their Village, who uses to stare at him and used to extend threats that they will teach him a lesson, due to which Gorakh Nath and Rajinder Singh nurturing the grudge Harpreet Singh Happy, Manpreet Singh Mani, Gurkamal Singh, Baljit Singh, Mani, Jashni, Yaad Yadu and 15/16 unidentified persons in connivance with each other gave beatings to him and his brother Gurdhian Singh. Then his father, Avtar Singh arranged a vehicle and got admitted him and his brother Gurdhian Singh to Civil Hospital, Malerkotla, where after giving first aid, doctor has referred them to Rajindra Hospital, Patiala, where they are under treatment. Legal action may be taken against said accused persons.”*

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 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.

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

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

*“4. MEDICO-LEGAL CERTIFICATE OF THE VICTIM(S)*

*That in the MLR No. ZM/97/2024 dated 21.07.2024 of injured Gurdhian Singh, seven (07) injuries were reported as blunt, injuries No.1 to 4 were kept for Ortho opinion and injuries No.5 to 7 were kept for Surgical opinion and in the MLR No.ZM/98/2024 dated 21.07.2024 of injured Jaswinder Singh, six (06) injuries were reported as blunt, injuries No.1 and 2 were kept for Surgical opinion, injury No.3 was kept for ENT opinion and injuries No.4 to 6 were kept for Ortho opinion. On the basis of said statement of Jaswinder Singh and aforementioned MLR's, offence under Sections 109(1)/126(2)/115(2)/117(2)/191(3)/190/61(2)A of BNS were found to have been committed by the aforementioned accused individuals. Thus, the Investigating Officer by sending the said statement to the Police Station, got registered the present FIR No.50 dated 22.07.2024 under Sections 109(1)/126(2)/115(2)/117(2)/191(3)/190/61(2)A of BNS, Police Station, Sandaur against 1.) Harpreet Singh (@ Happy, 2) Manpreet Singh Mani, 3.) Rajinder Singh, 4.) Gorakh Nath, 5.) Gurkamal Singh, 6.) Baljeet Singh Bobby, 7.) Mani Singh son of Singara Singh, 8.) Jasni son of Harnek Singh, 9.) Yadinder Singh Yadu and 15-16 unidentified persons and investigation commenced.*

*5. VICTIM'S CURRENT MEDICAL CONDITION*

*That as per record, the victim(s) were admitted in the Civil Hospital Malerkotla on 21.07.2025 and they discharged from the PGI, Chandigarh and Rajindra Hospital, Patiala and as per the information provided by Avtar Singh (father of complainant Jaswinder Singh), now the complainant Jaswinder Singh and his brother Gurdhian Singh are medically fit and fine.*

*6. THE TIME FOR WHICH THE VICTIM(S) REMAINED IN THE HOSPITAL*

*As per the medical record of the victim(s) namely, Jaswinder Singh and Gurdhian Singh, the injured Gurdhian Singh remained admitted in the Rajindra Hospital, Patiala from 21.07.2024 to 17.08.2024 i.e. 27 days and injured Jaswinder Singh remained admitted in the Rajindra Hospital, Patiala and PGI, Chandigarh from 21.07.2024 to 26.07.2024 i.e. 06 days.”*

REASONING:

8. It has been pointed out that one victim-injured has remained in the hospital for 27 days and second victim remained in hospital for 06 days. Perusal of para no.6 points out that injured Gurdhian Singh and Jaswinder Singh were injured and were remained admitted in Rajindra Hospital, Patiala which is a big government hospital and PGI, Chandigarh which is a super specialist institute. This would show the gravity of offence and nature of injuries caused.

9. Counsel for the petitioner seeks bail on the grounds of parity with other co-accused to whom this Court had granted bail. One of the weapon recovered from the petitioner was pistol and gandasa. Given above, petitioner had used weapon gandasa although he was carrying pistol. One of the accused who possesses a dangerous weapon like pistol it practically immobilizes the victim putting them not to self-defence which thereby increases the gravity of offence. Thus, petitioner is not entitled to bail on merits. However, petitioner's next ground is bail on parity with co-accused. One of the co-accused Gagandeep Singh @ Gagna in CRM-M No.57248 of 2024 was granted bail for the reason that his name was not mentioned nor any role was attributed and he may be part of 15-16 unidentified persons but no injury was attributed to him. On the contrary, petitioner has been attributed a weapon, as such he is not entitled to bail on parity with co-accused Gagandeep Singh @ Gagna. Petitioner's next ground is parity with co-accused Azadwinder Singh who was granted bail vide order dated 27.09.2024 passed in CRM-M No.44918 of 2024. In para no.8 of the order, this Court observed that no injury was attributed to Azadwinder Singh, as such petitioner is not entitled to bail on parity even with said Azadwinder Singh. Similar are the cases of co-accused Gorakh Nath and Sandeep Singh @ Sunny.

10. Petitioner's next ground is parity with co-accused Gurkamalpreet Singh @ Kamal in CRM-M No.401 of 2025. In para no.6, role of petitioner therein was mentioned that he gave sword blow on left knee and one of the sword blow on the head of the complainant with intention to kill. Even as per CCTV footage, he was found member of unlawful assembly. However, in para no.8, this Court had granted bail after custody of 07 months and 03 days whereas petitioner's custody as per custody certificate dated 07.07.2025 is already 09 months and 10 days. Thus, petitioner is entitled to bail on the grounds of parity with co-accused Gurkamalpreet Singh.

11. 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.

12. Per paragraph 13 of the bail petition, the petitioner has been in custody since 22.09.2024. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 09 months and 10 days.

13. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, parity with co-accused Gurkamalpreet Singh @ Kamal and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. 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.

15. 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.

16. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
	Mobile number (If available)	
	E-Mail id (If available)	

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

18. 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.

19. 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.

20. 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.

21. 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."

22. 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.

23. 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.

**24. 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.**

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

26. 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.

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

(ANOOP CHITKARA)  
JUDGE

28.07.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.