

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

CRM-M-19434-2025
Reserved on: 08.07.2025
Pronounced on: 22.07.2025

Satwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Japit Singh Johal, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

Mr. Akhil Dadwal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0255	21.12.2024	Dasuya, District Hoshiarpur	333, 118(1), 3(5) BNS (Section 118(2), 61(2), 109 BNS 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 09 of the bail petition, the petitioner declares that he has no criminal antecedents.

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

“2. That it is submitted that FIR No.255 dated 21.12.2024 under Sections 333, 118(1), 3(5) of B.N.S. 2023, was registered at P.S. Dasuya, District Hoshiarpur against the petitioner and three unknown persons on the statement of Avtar Singh son of Bhulla Singh, resident of ChakBamu, PS Dasuya, District Hoshiarpur that he is an Ex-Serviceman and is residing in Germany with his family and for last about a month since the date of occurrence he has come to his village and is residing alone in his house. On 19.12.2024, he was wearing his night dress that in the meantime his Kudam (father-in-law of his son) Satwinder Singh son of Gurcharan Singh alongwith three unknown persons, whom he can identify if produced before him,

came to his house and Satwinder Singh raised a lalkara to catch hold of the complainant and teach him a lesson for leaving his daughter. At this he gave a blow with the khukhri with intention to kill the complainant but he raised his left arm to save himself and the blow of the khukhri hit fingers of his left hand and he fell on the bed. Then the unknown persons caught hold of him from his arms while he was lying on the bed and Satwinder Singh gave a khukhri blow which fell on his forehead and then another blow which fell in his left eyebrow. The complainant again raised his left arm and a blow hit the pit between the index finger and thumb. Then he raised an alarm but the unknown persons pressed a pillow on his mouth. Then he was dragged out of the room and brought in the courtyard where he raised an alarm and the people residing in the neighbourhood came out. At this accused fled from the spot alongwith weapon. Then a co-villager arranged a vehicle and got him admitted in Civil Hospital, Dasuya. The grudge behind the occurrence was that Manpreet Kaur, daughter of accused Satwinder Singh, was married to Jagjit Singh, son of the complainant. They had mutual fight at German and the son of the complainant was in jail. The complainant has disowned his son and daughter-in-law but his daughter-in-law and her father Satwinder Singh wants to illegally took possession of the house of the complainant situated in the Village, so that, Manpreet Kaur can reside in the same. Even previously on 10.3.2024 Manpreet Kaur has broken the lock of the said house. Under the said grudge Satwinder Singh alongwith three unknown persons caused injuries to him. He lastly prayed for action.

MEDICO-LEGAL CERTIFICATE OF THE VICTIM(S) AND VICTIM'S CURRENT MEDICAL CONDITION.

3. That it is submitted that during the investigation, the petitioner was arrested in the present case on 25.12.2024. During the investigation, in the MLR of complainant, the doctor of Civil Hospital, Dasuya described six injuries caused with sharp weapon and all injuries were kept under observation. The doctors of Civil Hospital, Dasuya declared injury No.1 of complainant to be grievous in nature, and declared injury No.2 to 6 of complainant to be simple in nature. The complainant was admitted on dated 19/12/2024 and he was discharged from the hospital on dated 09-01-2025.”

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. He further undertakes to reform and live like a decent human being and shall not repeat the offence.

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

6. Counsel for the complainant submits that there is a risk to his life in case bail is granted to the petitioner.

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

“ROLE OF PETITIONER AND WEAPON USED AND INJURIES ATTRIBUTED TO THE PETITIONER:

10. That it is submitted that the petitioner conspired with co-accused Manpreet Kaur@ Raju and the petitioner along with co-accused Daljit Singh and Lovepreet Singh inflicted injuries upon the complainant after hatching conspiracy with co-accused Manpreet Kaur@ Raju. The complainant attributed all the injuries to the petitioner caused with Khokhri. There are as many as six injuries upon the person of complainant with sharp edged weapon and out of six injuries, injury No.1 was declared to be grievous in nature and offence U/s 118(2) was added to the present case. The petitioner is the chief Architect of the entire attack and has spear headed the ruthless attack. The possibility of the petitioner intimidating the witnesses or carrying out a similar natured offence or fleeing the process of justice each very much real and immediately. Therefore, the present petition is liable to be dismissed.

EVIDENCE AGAINST THE PETITIONER:

11. That it is submitted that the petitioner conspired with co-accused Manpreet Kaur and the petitioner along with co-accused Daljit Singh and Lovepreet Singh inflicted injuries upon the complainant after hatching conspiracy with co-accused Manpreet Kaur. There are as many as six injuries upon the person of complainant with sharp edged weapon and out of six injuries, injury No.1 was declared to be grievous in nature and offence U/s 118(2) was added to the present case.”

8. Undoubtedly, there is prima facie evidence of involvement of the petitioner but the petitioner has made a categorical statement that he will reform and live like a decent human being.

9. 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.

10. Per paragraph 05 of the bail petition, the petitioner has been in custody since 25.12.2024. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 06 months and 11 days. No useful purpose would be served by detaining the petitioner further behind bars.

11. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner is a first offender and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. 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.

13. 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.

14. 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)	

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

16. 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.

17. 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.

18. 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.

19. 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."

20. 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.

21. **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 have the liberty to cancel this bail.**

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

23. 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.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No