

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-48105-2024  
Reserved on: 06.03.2025  
Pronounced on: 27.03.2025

Manjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Savreet Brar, Advocate  
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. K.S. Lakhanpal, Advocate  
for respondent No. 2.

\*\*\*\*

**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
78	27.04.2024	City Kotkapura Faridkot	323, 324, 506, 148, 149 IPC (307 IPC added later on)

1. Challenging the impugned order dated 13.08.2024 passed by learned Additional Sessions Judge, Faridkot granting regular bail to respondent No.2- Surjeet Singh in above captioned FIR, the complainant has come up before this Court under Section 483(3) BNSS, 2023 for cancellation of bail.

2. Counsel for the petitioner submits that the Court of learned Additional Sessions Judge failed to appreciate the fact that respondent No.2 was holding sword and inflicted grave injury on the head of victim which have left him bedridden and suffering from hemiplegia. Counsel for the petitioner further submits that respondent No.2 was granted bail within short span i.e. within 2 months 5 days.

3. Counsel for respondent No.2 submits that bail was granted after analysing respondent's role on merit, however, he was no objection if this Court impose any more conditions while dismissing the present petition.

4. It would be appropriate to extract para 5 of the impugned order dated 13.08.2024 containing the reasons, which reads as follows:

*"Having heard to the rival contentions and have gone through the aforesaid*

*episode of crime, to the aforesaid set of allegations, the registration of FIR, the accused/applicant after facing the custodial interrogation is already in judicial custody, who was apprehended on 09.06.2024. The sufficient period of his custody has already been passed. Nothing has come on record that the victim of said occurrence Barjinder Singh is still under treatment. Instead an affidavit has been filed by one Lovejeet Singh that the said Barjinder Singh is already discharged from his medical treatment and is running a shop with his brother in routine. The presentation of challan and conclusion of trial will take long time. He could not be detained for indefinite period. Considering the life and liberty of applicant to that allegations which are subject to trial, the applicant is found deserving the concession of regular bail.”*

5. A perusal of the aforesaid reasoning given by the Court in its order dated 13.08.2024 thus point out that in the opinion of Additional Sessions Judge, custody of 02 months 05 days was sufficient in the given facts of the case. The Court was well justified to draw an inference about the custody *vis-a-vis* the nature of crime. There is no sufficient data which would guide any judge to come to a conclusion that in a case of assault, how much pre-trial custody would be justified. Thus, the analysis would be subjective and a judge would certainly keep in mind various factors including pendency of the cases before such Court and the time needed for the conclusion of trial.

6. In the discussions as mentioned above, it would be unjust for this Court to comment that whether custody of 02 months 05 days in the given facts of the case was less or justifiable. Another factor is that in the interregnum i.e. since 13.08.2024 to till today, there is no allegation against the private respondent/accused of tampering with the evidence and hampering the investigation. Further, on 06.03.2025, counsel for respondent No.2 has given his no objection for imposing any further conditions, which this Court imposes upon respondent No.2.

7. Given above, in the entirety of facts and circumstances peculiar to this case, this Court is of the view that no ground to cancel the bail is available, as such, the present petition is disposed of, however, following more conditions are imposed which shall be over and above the conditions imposed vide order dated 13.08.2024:-

(I) Given the nature of the allegations and the other circumstances peculiar to this case, respondent No. 2 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.

(ii) Given the background of allegations against respondent No. 2, 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, respondent No. 2 shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, respondent No. 2 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.

8. 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.

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

**(ANOOP CHITKARA)  
JUDGE**

**27.03.2025**

**Jyoti-II**

Whether speaking/reasoned: Yes  
Whether reportable: No.