

214 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-28016-2025  
Reserved on: 02.09.2025  
Pronounced on: 12.09.2025

MANJIT KUMAR @ MINTI @ MITTI  
@MTTI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

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

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
47	26.03.2025	Model Town, District Ludhiana	115(2)/126(2)/351(2) BNS, 2023 (Section 118(2) of BNS, 2023 added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“That on receipt of copy of the above noted order of this Hon'ble Court, the answering deponent sought detailed report from the SHO, P.S. Model Town, Ludhiana and after verifying the facts, the SHO has reported that FIR No.47 dated 26.03.2025, u/s 115(2), 126(2), 351 (2) BNS, 2023 (lateron added Section 118(2) BNS, 2023) P.S. Model Town, Ludhiana was registered against the petitioner based upon the statement dated 26.03.2025 suffered the by complainant namely Gurkirat Singh. In his statement the complainant stated that he is doing the work of tenant of Inverter and that on 03.03.2025 he went to the house of his known namely Bhawna House No.230-BX, Model Town, Ludhiana for repairing the Inverter and that after repairing the same when he was coming out from the said house and was walking in the street towards his car, then at around 09:30 PM when he reached at turn the vegetables shop at Baba Deep Singh Main Road, one unknown person, who was wearing cap came near to him and started abusing him.*

*The complainant then enquired as to why he is for abusing him and thereupon arguments ensued and then during the course of arguments the said person took out iron Datar from his waist and started attacking him with the weapon and that first blow of the Datar was given towards his head but he in order to save himself raised his right hand and then the blow hit him on his right hand and his three fingers got chopped off.*

*After this on account of the said attack he got drenched with blood and then he in order to save himself tried to run away from there but he was surrounded by the said person and he again gave blows with the reverse side of iron Datar to him and that then he raised hue and cry and on hearing the same public started gathering there and thereafter the said unknown person ran away from there while giving threats to kill him.*

*The complainant was then got admitted in DMC Hospital, Ludhiana in injured condition and as he was in shock and fear on account of the attack and further unconscious, he was not in condition to inform his family members about the attack and then his caretaker i.e. his grandfather Rood Singh due to that informed the police party the ignorance complainant fingers got chopped off in the machine while working in the factory at Cheema Chowk, complainant gained Ludhiana and that when the consciousness he told about the actual incident to his family members and further conducted enquiry a his own level from which he came to know that the person, who attacked him was the petitioner.”*

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no specific role in the alleged offence to be committed as there is no direct evidence against the petitioner. There is a delay of 23 days in lodging the FIR. He further 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 prescribed 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 his family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“That the role of the petitioner in the commission of offence becomes clear from the fact that he has committed a heinous crime armed with weapon and has chopped off the fingers of the complainant and this fact has been duly corroborated from the statement of the complainant as well as other witnesses and further from the medical evidence and thus he is not entitled for any relief from this Hon'ble Court as the concession of anticipatory bail is an extra ordinary relief and the same is granted only in exceptional cases.”*

REASONING:

7. There is a delay of 23 days in lodging the FIR. The complainant's family members had got recorded their statement with the police that the fingers of the complainant were cut in a machine in a factory. Petitioner already joined investigation. Thus, there is no justification to deny bail to the petitioner.

8. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage.

10. 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.

CONDITIONS:

11. 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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. This order is subject to the petitioner's complying with the following terms. 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 petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall

cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

17. 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."

18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the

petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. 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.

20. 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.

21. 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 Sessions 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.

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 Appellant-Accused 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

12.09.2025

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Whether speaking/reasoned: Yes  
Whether reportable: No.