

CRM-M-15201-2025

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

CRM-M-15201-2025
Reserved on: 08.07.2025
Pronounced on: 23.07.2025

Harpreet Singh @ Happy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Malkiat Singh, Advocate
for the petitioner.

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

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|----------------------|--|
| 204 | 07.08.2024 | Jandala, Amritsar | 109/ 125/ 333/ 351(2)/ 351(3)/ 191(3)/ 194(2)/ 190/ 238 of BNS and Section 25/27/54/59 of Arms Act |

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 10 of the bail application and 15 of the status report filed by the State, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date | Offenses | Police Station |
|---------|---------|------------|--|---------------------------------|
| 1 | 144 | 12.10.2022 | 21 of NDPS Act | Chattiwind, Amritsar (Rural) |
| 2 | 103 | 10.08.2023 | 452/323/506/148/149 IPC | Chabbal, Tarn Taran |
| 3 | 176 | 09.12.2023 | 336/427/506/148/149 IPC | Chattiwind, Amritsar (Rural) |
| 4 | 194 | 28.07.2024 | 109/333/304/115(2)/ 190/191/324(4)/324(5) BNS read with Section 25 of Arms Act | Jandiala, Amritsar (Rual) |

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

“2. That the brief and relevant facts of the case are that aforesaid FIR No. 204 dated 07.08.2024 was registered on the basis of the statement of Sukha Singh son of Hari Singh, who had alleged therein that he had a dispute with his wife Tajinder

Kaur and his wife Tajinder Kaur used to tell about the dispute to her brothers and on 07.08.2024 at about 02:00 PM, her father-in law Surjit Singh and mother-in law Sandeep Kaur came at his house and took his wife Tajinder Kaur and his two daughters with them. He further alleged that at about 05:30 PM, his father-in law Surjit Singh armed with iron garari, petitioner armed with pistol, Arjan Singh armed with baseball bat, Prince armed with baseball bat, Jinder Singh, Gurjit Singh, Amandeep Singh alias Mota and Jarmanjit Singh armed with different weapons along with 5/7 unidentified persons came on motorcycles and started firing in air and e and his family went inside the room to save themselves. He further alleged that when his co-villagers came forward to rescue them, the petitioner and other co-accused fired upon the co-villagers and bullet hit on right foot of Jagmohan Singh, thigh of Jagroop Singh and thigh of Sandeep Singh and all the aforesaid accused fled away from the spot. The detailed facts mentioned by the complainant in his aforesaid statement has been reproduced in the true translation of the FIR No. 204 dated 07.08.2024 attached with the petition as Annexure P-1, which may kindly be read as a part of this paragraph as same are not repeated for the sake of brevity.”

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

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

“Time for which Victim remained in hospital

7. *That as per the information received from the investigating officer, the injured remained admitted at hospital for three days while undergoing treatment.*

Weapon used

8. *That it is humbly submitted that weapons used in the present case were pistol, iron grari and baseball bat and the petitioner was armed with a pistol in the alleged occurrence.*

Weapon and Injury attributed to the petitioner.

9. *That it is humbly submitted that the petitioner was armed with a pistol in the present case and he has fired upon thigh of injured Jagroop Singh.*

Evidence against the petitioner

11. *That the evidence against the petitioner is in the form of oral statement of the complainant Sukha Singh recorded under section 180 BNSS by the investigating officer, which is corroborated with the Medico-Legal Report of Jagroop Singh.*

Role of the petitioner

12. *That the petitioner was arrested on 21.09.2024. As per the version of the complainant Sukha Singh, the petitioner armed*

with pistol along with the other co-accused after forming an unlawful assembly in furtherance of their common object came at his house and fired in air and when his co-villagers tried to rescue them, the petitioner fired direct shot from his pistol and Jagroop Singh received bullet injury on his right thigh and the Jagmohan Singh and Sandeep Singh got injured with the pellets of bullet fired by the petitioner.”

7. Petitioner was armed with pistol and injury is on thigh. His conduct of not firing again and not attempting to aim at vital part would entitle him to bail coupled with the undertaking by his counsel to reform and live like a decent human being.

8. 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.

9. Per the custody certificate dated 07.07.2025, the petitioner’s total custody in this FIR is 09 months and 15 days.

10. 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.

11. 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.

12. 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.

13. 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) | |

14. This order is subject to the petitioner’s complying with the following terms.

15. 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.

16. 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 (Cr.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

17. 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.

18. 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."

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. **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.**

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

23.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No