



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

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CRM-M-22543-2025

Date of Decision: 02.07.2025

Gurjant Singh @ Janti

...Petitioner

Versus

State of Punjab

...Respondent

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

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

Mr. Jasdev Singh Thind, DAG, Punjab.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
76	12.06.2024	Khalra, District Tarn Taran	307, 148, 149 IPC and Sections 25, 27 of Arms Act

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. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report dated 12.05.2025 filed by the State, which reads as follows:

*“3. That brief facts of the case are as under: that on 12.06.2024 in the police station Khalra, District Tarn Taran, the information got telephonically from Amandeep Hospital Amritsar that Kulwinder Singh son of Baldev Singh and Gurwinder Singh son of Sukhdev Singh, all residents of village Bhaini Masa Singh injured due to hit bullets and were admitted at the Hospital. Whereon the investigation of meer ASI Gurnam Singh No.1947/Tarn Taran along with police officials reached Amandeep Hospital Amritsar and after getting the opinion of the concerned doctor and got recorded the statement of Palwinder Singh son of Baldev Singh son of Sardool Singh, resident of Village Bhaini Massa*



*Singh, resident of Khalra that on 11.06.2024 at 07.00 PM, they were placing soil on their pathway, and Saraj Singh son of Balkar Singh arrived and started abusing on seeing them and they came to their house. Later, his brother Kulwinder and his uncle's son Gurpartap Singh son of Balvir Singh came to his milk dairy. Meanwhile, complainant Kulwinder Singh was also stood at Sewak Singh's motor shop for some work at Bus Stand Bhaini Massa Singh and at 07.30 PM that Saraj Singh son of Balkar Singh armed with datar, Harwinder Singh son of Saraj Singh armed with a pistol, Lovepreet Singh @ Laba son of Mahabir Singh armed with Pistol, Jagjit Singh @ Soni son of Natha Singh armed with datar, Amritpal Singh son of Hardial Singh armed with pistol. Yadwinder Singh son of Gurjit Singh armed with a pistol, Gurmeet Singh son of Harjinder Singh armed with a pistol, all residents of Bhaini Massa Singh, Kishwar Singh resident of Mughal Chak armed with a pistol, Baba resident of Bhura Kareempura armed with pistol, along with 20/25 unidentified persons came there, Saraj Singh raised lalkara and said catch hold Kulwinder Singh etc. and let them learn a lesson for having a dispute with them. Then Jagjit Singh son of Natha Singh gave a blow from his dattar on Kulwinder Singh, he forwarded his left arm to save himself and the daughter hit on the wrist of the left hand of his brother, then Harwinder Singh gave direct fire shot of his pistol on the complainant, intending to kill him, which hit on both the legs of Kulwinder Singh, then Lovepreet Singh @ Laba, petitioner Amritpal Singh, Yadwinder Singh, Gurmit Singh, Kishwar Singh, Baba and 20/25 unidentified persons started firing indiscriminately, which injured complainant's uncles Gurpartap Singh, Gurvinder Singh, Chamkaur Singh and his neighbour Sukhwant Singh son of Balwinder Singh. That all of them started bleeding and fell to the ground. He raised an alarm of Mar Ditta Mar Ditta in a loud voice then on seeing the gathering of people, above said accused along with their respective weapons while firing and raising lalkara, ran away from the spot. The complainant called his uncle Sukhdev Singh and they arranged the vehicle and got admitted his brothers namely Kulwinder Singh, Gurpartap Singh, Chamkaur Singh, Gurwinder Singh and his neighbour Sukhwant Singh at Vijay Dhawan Hospital, Bhikhiwind, where his brother Kulwinder Singh, uncle's son Gurwinder Singh son of Sukhdev Singh were found serious and sent to Amandeep Hospital, Amritsar and are under treatment. Victims Gurpartap Singh and Chamkaur Singh and Sukhwant Singh were under treatment at Vijay Dhawan Hospital, Bhikhiwind. The grudge was*



*because they placed sand on their pathway, and Saraj Singh opposed this. It is further submitted that on the above-said statement of the complainant, the present case FIR No. 76 dated 12.06.2024 U/s 307, 148, 149 IPC, 25, 27 of Arms Act was registered at Police Station Khalra, District Tarn Taran against the accused.*

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, the State shall be at liberty to file an application for cancellation of bail to which he would not raise objections. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. In compliance of order dated 13.05.2025, passed by this Court, fresh status report dated 01.07.2025 filed by State counsel today in the Court is taken on record. The State's counsel opposes bail and refers to the status report dated 12.05.2025.

6. It would be appropriate to refer to the following portions of the status report 12.05.2025, which read as follows:

*"7. That on the circumstances explained above, as evident as it can be indeed there are 05 injured having sustained gunshot wounds and the onslaught, by all accounts, was savage and brutal in nature, where gunshots had been indiscriminately fired without any regard for human life and safety. As far as the role of the petitioner is concerned, he had surfaced as the proved of the weapon used for the commission of the offence and the weapon is still stated to be in his custody, which is yet to be recovered. The possibility of the petitioner intimidating the witness or carrying out offences of a similar nature or fleeing the process of justice is very near and immediate. As such, the petitioner is not liable to get the concession of anticipatory bail."*

**REASONING:**

7. Role of the petitioner is in procuring weapon which was used in crime. Petitioner has already joined investigation. Given the submission made by counsel for the petitioner that petitioner will cooperate with the investigator and join investigation as and when called upon to do so, petitioner makes out a case for bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.



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9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner being not named in the FIR and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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.

11. 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)	

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

13. 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.

14. 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



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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 release from prison 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.

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

16. 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."

17. 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.

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. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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

21. 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.

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

**(ANOOP CHITKARA)  
JUDGE**

**02.07.2025**  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.