

CRM-M-17723-2025

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

CRM-M-17723-2025
Reserved on: 10.07.2025
Pronounced on: 29.07.2025

Harminder Singh Khera ...Petitioner

Versus

State of Punjab and another ...Respondents

CRM-M-23650-2025

Gurjant Singh Khaira @ Janta ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-13727-2025

Surinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Petitioner in person with
Mr. Lakshay Garg, Advocate in CRM-M-17723-2025.

Mr. Harsh Aggarwal, Advocate
For the petitioner(s) in CRM-M Nos.23650 & 13727 of 2025.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. H.S. Randhawa, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
130	29.07.2024	Sidhwan Bet, Dist. Ludhiana (Rural)	110, 117(2), 190, 191, 351 BNS 2023 (Section 110 BNS was deleted but Sections 109, 115(2), 118(1), 140(3) & 324(2) BNS added later on)

1. This order shall dispose of three petitions as mentioned above. For the sake of brevity, facts have been taken from *CRM-M-17723-2025 titled as Harminder Singh*

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Khera vs. State of Punjab and another.

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. Per paragraph 20 of the bail petition (CRM-M-17723-2025), the petitioner has no criminal antecedents. Per paragraph 20 of the bail petition (CRM-M-23650-2025, petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	106	30.06.2024	323, 324, 427, 148, 149, 506 IPC	Sidhwan Bet

Per paragraph 20 of the bail petition (CRM-M-13727-2025) as well as reply filed in this case, petitioner has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	296	19.07.2017	307, 452, 324, 323, 294, 295, 506, 148, 149 IPC	Jagraon
2	106	30.06.2024	323, 324, 427, 148, 149, 506 IPC	Sidhwan Bet
3	47	15.04.2023	465, 467, 468, 471, 120B IPC	Sidhwan Bet

4. The facts and allegations are being taken from the reply filed by the State (in connected case i.e. CRM-M-17723-2025), which reads as follows:

“That the brief facts of the case are that on 28-07-2024, complainant Pawan Kumar son of Budh Ram resident of Sidhwan Bet gave statement to the police that he is running vegetable shop which is situated in front of Gurdwara Sahib, Shwan Bet. He is also cultivating the land of Surinder Kaur which is situated at village Abbupura and Surinder Kaur has executed registered WILL of her land in his favour.

3. That the complainant further stated that on 26-07-2024 at about 10:00 AM, he received information that persons are committing theft of electric wires of his motor from his field. On receipt of this information, he along with Daljit Singh and Sohan Singh went to his field on his car. But on seeing them, those persons managed to escape from his field. The complainant gave intimation to police on help line no. 112. Then the complainant started checking of his kotha of motor. People started gathering there. He also gave information to concerned DSP and concerned SHO on phone.

4. That the complainant further stated that Jagwinder Singh and 3 unidentified boys started ploughing his maize crop with tractor Sonalika. Gurjant Singh Janta fired at him with rifle and the fire crossed over his right shoulder. Gurwinder Singh Vicky also fired in the air from his revolver. Jasvir Singh armed with dang,

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Amritpal Singh, Gurmeet Singh armed with dangs, Sarwan Singh @ Sarva armed with dang, Sonu armed with dang, Sukhdev Singh armed with dang, Gurwinder Singh Vicky armed with revolver(petitioner), Jaganpreet Singh Babbu armed with handle of spade, Gurmeet Singh (petitioner) son of Sukhwinder Singh armed with dang, Gurpreet Singh Preeti armed with dang, Satkartar Singh armed with handle of spade, Daini armed with handle of spade, kaki armed with dang, Harmander Singh @ Gorkha armed with dang, Abhijeet Kanda, Jaswant Singh, Lakhvir Singh Sukhi, Darshan Singh, Surinder Singh s/o Lachhman Singh, Gurbaksh Singh, Manjit Singh, Gurbachan Singh and Amarjit Singh all were armed with dangs along with 20/25 unidentified persons wrongfully restrained him in the field. Abhijeet Kanda raised lalkara to teach him lesson.

5. That the complainant further stated that when these accused started beating him, then Abhijeet Kanda started preparing video from his mobile phone. Then accused Amritpal Singh @ Amba gave dang blow on his head with the intention to kill him, but he raised his right hand and the blow hit on his right hand. Harmander Singh @ Gorkha gave dang blow on his right hand. Gurmeet Singh (petitioner) son of Sukhwinder Singh also gave dang blow on his right hand. Satkartar Singh gave dang blow on his back. Accused Daini gave dang blows on his back when he was lying on the ground. All these persons gave 50 blows on his arms, legs and back. The assailants threw him as semiconscious. These persons continued giving him beating for 10/15 minutes. The assailants have circulated the video of this occurrence.

6. That the complainant further stated that then Gurmeet Singh (petitioner), Gurjant Singh Janta, Sukhdev Singh, Amritpal Singh Amba dragged him and took him in the passage and they have beaten him there. His brother Satish Kumar reached in the field. These accused persons abused him, assaulted him and apprehended him. Gurmeet Singh (petitioner) Gurjant Singh Janta, Sukhdev Singh Gulu forcibly put the complainant in the car and bring him in another field and threw him there. Gurmeet Singh (petitioner) was driving the car.

7. That the complainant further stated that Surinder Singh son of Darshan Singh, Puneet Singh son of Surinder Singh, Abhijot Singh, Parminder Singh, Roobi, Rajesh Kumar were present there. Gurmeet Singh (petitioner) told Surinder Singh that this is the person and asked accused Surinder Singh if the complainant is to be finish. All these persons have beaten him there. Then Surinder Singh told other accused to stop beating the complainant otherwise he will die. All these persons took him in their car to Civil Hospital, Sidhwan Bet where the complainant was admitted by his brother. After giving first aid and conducting medical examination, the doctor referred him to other hospital as there were greivous

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injuries on the person of the complainant. The complainant was admitted in DMC Hospital, Ludhiana and gave statement to the police. On this statement of the complainant Pawan Kumar, FIR No. 130 dated 29-07-2024 u/s 110, 117(2), 190, 191 and 351 BNS, 2023 was registered in PS Sidhwan Bet against the petitioner and other accused.”

5. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. Counsel further submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioners shall have no objection.

6. The State’s counsel as well as counsel for the complainant oppose the bail and refers to the reply. Counsel for the complainant submits that role attributed to petitioner(s) are higher, as such, they are not entitled to anticipatory bail.

7. It would be appropriate to refer to the following portions of the reply to file out their role, which read as follows:

“Para 10 of the reply filed in CRM-M-17723-2025

That the role of the petitioner is that he was member of the unlawful assembly. He has also beaten the complainant and gave dang blow on the right hand of the complainant. The petitioner along with co-accused dragged the complainant and put him in car and took him in another field where co-accused Surinder and some other accused were present. The accused present there also again beaten the complainant there.”

Para 22(H) of the reply filed in CRM-M-23650-2025

The petitioner was member of the unlawful assembly and he fired in air from his gun. He also beaten the complainant and his brother. He along with co-accused dragged the complainant from the field, put him in the car and taken him to another field where co-accused Surinder Singh was present.

Para 22(D) of the reply filed in CRM-M-23650-2025

D. Weapon(s) used

i) dangs ii) handle of spades

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Para 22(H) of the reply filed in CRM-M-13727-2025

The petitioner Surinder Singh planned the entire incident and instigating the other accused to assault and abduct the complainant and other PW.”

REASONING:

8. Given the nature of injury attributed to the petitioner(s) and weapon used, no ground for custodial interrogation is made out, however allegations in the FIR and role attributed are serious in nature. Considering the undertaking given by the petitioner(s), this Court deems it appropriate to grant one opportunity to them to course correct and live like decent human being.

9. 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.

10. 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.

11. The investigation indicates that the petitioner(s) are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

CONDITIONS:

13. Given above, provided the petitioner is not required in any other case, the petitioners 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.

14. While furnishing a personal bond, the petitioners 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)	

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15. This order is subject to the petitioners' complying with the following terms. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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. The petitioners are directed to join the investigation as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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 petitioners, it becomes paramount to protect 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 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 petitioners 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 of the compliance. However, subject to the Indian Arms Act, 1959, the petitioners 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.

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*

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

21. It is clarified that if the petitioners violate 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 petitioners moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abides by the assurance made on the petitioners' behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioners repeat 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 concerned 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.

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

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

26. **Petition(s) allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.