



CRM-M-11176-2025

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259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11176-2025
Reserved on: 01.04.2025
Pronounced on:24.04.2025.

GUJJAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Argued by: Ms.Manjit Kaur Saini, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
14	22.01.2024	Bhindi Saidan, District Amritsar Rural	323, 324, 452, 379, 427, 148 and 149 of IPC (Sections 325 & 326 of IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"xxx xxx xxx xxx

That the brief and relevant facts of the case are that aforesaid FIR No. 14 dated 22.01.2024 was registered on the basis of the statement of Karam Singh son of Shingara Singh, who had alleged therein that on 14.01.2024 at about 11:00 AM, there was a minor altercation between him and Nishan Singh and Vir Singh relating to water outflow but the matter was settled with the intervention of respectable persons. Thereafter at about 02:00 PM, his maternal uncle Bhagwan Singh and Satpal Singh son of his maternal uncle had come to his house and in the meantime, the co-accused Bittu Singh, Darshan Singh, Lakha Singh, Jagga Singh, Kalu Singh, Bhan Singh, Nishan Singh and Dhawa Singh, Kashmir Singh, Vir Singh, Gujjar Singh (petitioner), Gurmej Singh, Surti Singh, Kashmir Singh and Bagga Singh all armed with weapons like datars, baseball bat, dang, iron rods forcibly trespassed into his



house and the co-accused Nishan Singh raised a lalkara to teach him a lesson for digging a water channel outside their house and caused injury on his head with a blow of datar and Veer Singh caused injury on his hand with a blow of iron rod. He further alleged that when his maternal uncle Bhagwan Singh and Satpal Singh son of his maternal uncle came forward to rescue him, Gujjar Singh (petitioner) caused injury on the left elbow of his maternal uncle Bhagwan Singh with a blow of iron rod and Bittu caused injury on back of Bhagwan Singh with a blow of a baseball bat. He further alleged that the co-accused Bittu Singh and Lakha Singh caused injuries on the backside of head and back of Bhagwan Singh with the respective blows of datar and rod and the co-accused Jagga Singh, Kalu Singh, Dhawa Singh, Kashmir Singh, Gurmej Singh, Surti Singh and Bhan Singh caused injuries on the right wrist, right side of head, left side of head, right shoulder, right arm, right thigh and right leg of Satpal Singh, son of his maternal uncle with the respective blows of rod, datar, baseball bat, dang and the unidentified 8/10 persons damaged the window panes, washing machine. He further alleged that when his family members raised hue and cry for help, the aforesaid accused took away one computer and Z-62 camera. The detailed facts mentioned by the complainant Karam Singh in his aforesaid statement has been reproduced in the true translation of the aforesaid FIR No. 14 dated 22.01.2024 attached with the petition as Annexure P-1, hich may kindly be read as a part of present paragraph as same are hot repeated here for the sake of brevity."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/workplace, residence of the victim and he will not pressurize, induce, threaten the victim and his family members. 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 further 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 as per the version of the complainant Karam Singh, the petitioner armed with iron rod along with the other co-accused and as an active member of an unlawful assembly consisting of him and the other co-accused attacked upon his maternal uncle Bhagwan Singh. The petitioner is attributed injury on the left elbow of Bhagwan Singh which was declared grievous in nature."



REASONING:

7. 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. Per paragraph 6 of the bail petition, the petitioner has been in custody since 03.01.2025. Per the custody certificate dated 31.03.2025, the petitioner's total custody in this FIR is 3 months. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

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

12. 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.

13. 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.

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

15. 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



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downloaded copy for attesting bonds.

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

24.04.2025

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(ANOOP CHITKARA)

JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No