

CRM-M-30293-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30293-2025
Reserved on: 15.09.2025
Pronounced on: 24.09.2025

Dalwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Brar, Advocate
for the petitioner.

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

Mr. Robindeep Singh Bhullar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0106	12.05.2025	City Kotkapura, District Faridkot	351(2) BNS and 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. Per paragraph 16 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Statement of Charanjit Sidana son of Sh. Kharaiti Lal Resident of SBS College Road, Kotakpura, District Faridkot aged about 43 years Mobile Number 97807-76625 stated that I am a resident of the above said address and a lawyer by profession and practicing at District Courts Faridkot. On 09/05/2025, the time will be around 9 o'clock. Due to the Pakistan-India war, the blackout was already at 8 o'clock. Due to which people were locked in their houses and the lights were also switched off. I was present at my home and I started feeling a little nervous so I told Dr. Bhavit Goyal on the phone and he said to come to my home and show me. I forced myself to go to Dr. Bhavit's house. Doctor was checking me up. In the meantime, the sound of a car horn was heard which was being sounded continuously. Doctor and I ran out and saw that a car Maruti Dzire registration number PB 79-2517 was

parked outside Doctor Sahib's house and the driver of the car was under the influence of alcohol and was sitting with his hand on the horn constantly, due to which there was a lot of commotion in the neighborhood. At which the disturbed people came and stood outside the house. I went to the driver on the conductor side and asked him not to blow the horn continuously, it causes disturbance in the whole neighborhood. On hearing this, the driver of the car took out a pistol and pointed it at me and said, "What are you talking about now?" When I saw that the pistol was pointed at me and was about to be fired, I ran towards the doctor's house and entered and locked the gate. The said accused took the car back and brought it in front of the gate of the doctor's house and raised the lalkara come outside, I will fire on you, I am grandson of Bukkan Singh. All the neighbors around saw this whole incident with their eyes and they started to explain to that driver but he continued to abuse and finally the neighbors sent him back with great difficulty. When I asked about the above said person then I came to know that the above person after showing his weapons in the locality in an alcoholic situation and tried to create a terror. Many times he has even tried to fire. Dr. Bhavit Goyal said that once that person also showed him a pistol and threatened him. If I had not run away and entered the house, the said person would have killed me with a pistol. Due to the blackout at night, I could not come to police station to give a report. Until today, I have been investigating about that person, now I am sure that the name of the said person is Dalwinder Singh son of Bukan Singh resident of Adarsh Nagar, Aggarwal Street, Kotakpura and recorded my statement by coming to the police station. Legal action be taken against the above said person. I have recorded my statement in the presence of Dr. Bhavit Goyal, which is read and is correct. Sd/- Charanjit Sidana."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including 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 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 petitioner shall have no objection.
6. The State's counsel opposes bail and refers to the short reply.
7. It would be appropriate to refer to the following portions of the short reply, which read as follows:

"ROLE OF PETITIONER:

i) Petitioner in extremely influence of liquor and kept his hand on the

horn and continuously blow horn of the car due to which there was great noise in the locality.

ii) When the complainant approached the Petitioner and requested not to blow the horn, then the petitioner took out a pistol and pointed the same towards the complainant directly and threatened him.”

8. The allegations point out that the dispute was trivial. Perturbed by the rejection of the bail by the Sessions Court, this Court called the petitioner to assess his demeanor. On 15th September 2025, the petitioner was present in Court and he assured the Court that he would behave appropriately in society and live like a good member of his community.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. 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.

11. 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. 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 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.

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

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 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.

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. 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.

20. 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 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.

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

24.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.