

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

CRM-M-36896-2025
Reserved on: 09.09.2025
Pronounced on: 30.09.2025

Gagandeep ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-37216-2025

Harsh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-38310-2025

Kulvir Ram ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Amarinder Kaur, Advocate
for the petitioner(s).

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	19.06.2025	Behram, District SBS Nagar	115(2)/118(1)/3(5)/49 of BNS (Section 118(2) BNS added later on)

1. Vide this common order, CRM-M No.36896 of 2025, CRM-M No.37216 of 2025 and CRM-M No.38310 of 2025 are being disposed of. For brevity, the facts are being taken from CRM-M No.36896 of 2025.

2. The petitioners 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 19 of the bail petition, the petitioners declare that they have no criminal antecedents.

4. The facts and allegations are being taken from the status report filed in CRM-M-36896-2025 by the State, which reads as follows:

“3. That in compliance thereto, it is respectfully submitted that the factual matrix pertaining to present case is that, on 19.06.2025, the complainant- Mukhtiar Mohammand son of Nazir Mohammand, resident of village Bisla, PS Behram, District SBS Nagar got recorded his statement to the investigating officer averring therein that on 16.06.2025, he (complainant) along with Tek Chand, Vipan sons of Kuldeep Ram, Jaspreet son of Balvir Ram, Onkar son of Binder and Karan son of Gela, residents of village Bisla was present in the fair at a religious place of Baba Hazrat Shah, situated at village Lalpur at night. In the meantime, one Harsh son of Avtar Singh, resident of village Mirpur Lakha, PS Aur, District SBS Nagar was passing from there after staring at the complainant, upon which oral altercation took place between them and the relatives of the said Harsh took him along with them to home. The complainant further got recorded in his aforementioned statement that on 17.06.2025, the complainant along with afore named persons were enjoying the fair and about 02:30 pm, Kulvir Ram son of Jit Ram, resident of village Jhingran, PS Mukandpur, District SBS Nagar asked Onkar son of Binder, resident of village Bisla, who was sitting next to complainant to come out from the fair, upon which, the complainant along with Tek Chand, Onkar, Vipan, Jaspreet and Karan came out from the fair, where, the aforesaid Kulvir Ram gave one blow to the complainant with his armed sword, which led to the left wrist of the complainant. The said Kulvir Ram gave another blow to the complainant with his armed sword, which led to the left arm of the complainant, due to which blood started oozing from the left arm of the complainant. The complainant further got recorded that he got perplexed and in the meantime, Harsh son of Avtar Singh, resident of village Meerpur Lakha, PS Aur, District SBS Nagar gave one sword blow on the head of Tek Chand, which led on the left side of the head of the said Tek Chand. Thereafter, Gagandeep (petitioner) pushed Tek Chand and he (Tek Chand) fell down on the road, due to which injury was caused on left knee of the said Tek Chand. The complainant further got recorded in his statement that Kuldeep and Binder, who are the real brothers enticed Harsh and Kulvir Ram to cause injury upon the persons of the injured. People started gathering on the spot, upon which, accused fled away from the spot along with respective weapon and they entered into the house of Kuldeep Ram and when the companions of the complainant went there, then accused persons locked the gate. The complainant further stated that he got admitted to Civil Hospital Banga by Mandeep Kaur wife of Amardeep Kumar, resident of village Bista after arranging the vehicle, from where, the complainant was referred to Civil Hospital Nawanshahr. The complainant further requested to take legal action against the accused including the petitioner.”

5. 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 petitioners and their family.

6. The petitioner's counsel submits that the petitioners would have no objection

whatsoever to any stringent conditions that this Court may impose, including 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 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.

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

8. It would be appropriate to refer to the following portions of the status report filed in CRM-M-36896-2025, which read as follows:

“THE ROLE OF THE PETITIONER, WEAPON(S) USED IN THIS CASE & WEAPON AND INJURIES ATTRIBUTED TO THE PETITIONER.

14. That in the present case, the co-accused of the petitioner namely Kulvir Ram and Harsh caused injuries to complainant and the injured Tek Chand with their respective armed sword (kirpan), whereas, the petitioner pushed the injured- Tek Chand, due to which the injured- Tek Chand fell down on the road and injury was caused to his left knee.”

9. It would be appropriate to refer to the following portions of the status report filed in CRM-M-37216-2025, which read as follows:

“THE ROLE OF THE PETITIONER, WEAPON(S) USED IN THIS CASE & WEAPON AND INJURIES ATTRIBUTED TO THE PETITIONER.

14. That in the present case, the petitioner and his co-accused namely Kulvir Ram caused injuries to complainant and the injured- Tek Chand with their respective armed sword (kirpan), whereas, the accused- Gagandeep pushed the injured- Tek Chand, due to which the injured- Tek Chand fell down on the road and injury was caused to his left knee. It is further submitted that the petitioner caused injury on the left side of head of the injured- Tek Chand with sword. The injury attributed to the present petitioner was declared as grievous in nature.”

10. It would be appropriate to refer to the following portions of the status report filed in CRM-M-38310-2025, which read as follows:

“THE ROLE OF THE PETITIONER, WEAPON(S) USED IN THIS CASE & WEAPON AND INJURIES ATTRIBUTED TO THE PETITIONER.

14. That in the present case, the petitioner and his co-accused namely Harsh caused injuries to complainant and the injured- Tek Chand with their respective armed sword (kirpan), whereas, the accused-Gagandeep pushed the injured- Tek Chand, due to which the injured- Tek Chand fell down on the road and injury was caused to his left knee. It is further submitted that the petitioner caused injuries on the left wrist and arm of the complainant with sword. The Injury attributed to the present petitioner was declared as grievous in nature.”

11. Perusal of the medical record of victim-complainant reflects that one injury on the person of victim is grievous in nature which is on the wrist, however, injury no.1 on the person of victim Tek Chand present over the parietal temporal region of skull with sharp object is grievous in nature. The main reason of grant of bail to Kulvir Ram, who is the main accused, who attributed grievous injury on the skull of the victim is that it is a case of version and cross version and there are injuries on the person of accused person also, who was the aggressor is a matter of trial. No useful purpose would be served by detaining the petitioner(s) behind the bars. 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. Moreover, petitioner was granted interim bail by the Co-ordinate Bench of this Court vide order dated 15.07.2025, 16.07.2025 and 21.07.2025 respectively and in the interregnum, there is no allegation that the petitioner(s) did not join investigation or violate any condition of the order passed by this Court.

12. 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

13. Given the above, no ground is made out to discontinue the interim protection, as such orders dated 15.07.2025, 16.07.2025 and 21.07.2025 are made absolute subject to the following conditions:

i. The petitioners are 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 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

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.

bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

ii. 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.

iii. Given the background of allegations against the petitioners, 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 petitioners 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 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.

iv. 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.

(ANOOP CHITKARA)
JUDGE

30.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.