

CRM-M-14451-2025

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

CRM-M-14451-2025
Reserved on: 09.07.2025
Pronounced on: 16.07.2025

Omkar Singh @ Danny @ Omkar Ram ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0086	05.04.2024	Sadar Mansa, District Mansa	307, 427, 34 IPC and 25 of Arms Act (Section 120-B 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. Per paragraph 17 of the bail application and 6 of status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	148	06.10.2010	61 of Excise Act	Lehra
2.	95	21.08.2015	21 of NDPS Act	GRP Bathinda
3.	02	06.01.2020	22 of NDPS Act	City-1 Mansa
4.	86	28.06.2023	379-B IPC	City-1 Mansa
5.	67	04.04.2024	307, 506, 427, 34 IPC	City-2 Mansa
6.	66	04.04.2024	307, 506, 427, 34 IPC	City-2 Mansa
7.	50	12.04.2024	25 of Arms Act	City-1 Mansa

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

“Copy of statement, Statement of Station House Officer Sukhjit Singh 585/Mansa Training School, Police Line, Mansa, M. No.9780005120. Today as per the orders of officers, I Inspector alongwith ASI Baljinder Singh 277/ Mansa, SI Bikar Singh 17/

Mansa, SI Pal Singh 751/ Mansa, Si Sukhjot Singh 294/ Mansa, SI Gurpreet Singh 914/ Mansa, Constable Surinderpal Singh 962/ constable Hakam Singh 1107/ Mansa, Constable Gurpreet Singh 207/ Mansa, Senior Sukhwinder Singh 1144/ Mansa, Senior Constable Amarjit Singh 1265/ Mansa, Senior Constable Balkar Singh 1062/ Mansa, SI Ramesh Kumar 38/ Mansa on Government Vehicle and private vehicle were present at Thuthianwali Kenchian (Chowk), Mansa with regard to investigation of FIR No.66 dated 04.04.2024, U/s 307, 511, 34 of IPC, 25, 27 of Arms Act, Police Station City-2, Mansa, FIR No.67 dated 04.04.2024, under sections 307, 506, 427, 34 of IPC, 25, 27 of Arms Act, Police Station City-2 Mansa and secret informer gave information to me that firing which carried out yesterday at medical stores in City Mansa that was carried out by Gurjinder Singh son of Balkaran Singh, resident of Bhaini Bagha and Omkar Singh Danny son of Ramkrishan resident of Mansa who are of criminal background. Motorcycles to them were provided by Jaspreet Singh, Lovepreet Singh sons of Butta Singh, residents of Mansa Khurd and later on also taken them on car bearing no.PB-018-7094 Marka 1-10. All of them are very claver and are roaming in this car. They can be present at the house of Gurjinder Singh. Separate parties have been constituted and first Gurjinder Singh was apprehended and pistol 12 bore alongwith 2 cartridges of 12 bore were recovered and on the basis of his disclosure and through our sources we reached at the kacha path going from ITI Barnala Mansa road to village Malakpur Khiala and ahead of this at the right hand side towards southern direction at the Kacha path near the wild acacia trees there were three young boys, one at the driver seat, one at the conductor seat and one was sitting at the back side seat in the above mentioned numbered car, who on seeing the vehicles of police party, immediately start the vehicle and tried to fled away. When SI Bikar Singh 17/ Mansa and Constable Gurwinder Singh 587/ Mansa who were wearing bullet proof jackets tried to stop them then the person sitting on the conductor seat whose name later on came to know as Omkar Singh @ Danny son of Ram Krishan resident of Ward no.11, Mansa, fired a shot with his armed pistol towards SI Bikar Singh with intention to kill him which hit upon his Bullet Proof Jacket at the chest, on which SI Bikar Singh considering the situation at the spot and to save himself gave a counter fire with his service pistol 9 MM towards the person firing who was having his hand outside the window of car, due to which fire hit upon his right hand in which he has held the pistol, due to which pistol held in his hand has also damaged and fell down and conductor seat mirror has also damaged. During this stampede the accused already apprehended Gurjinder Singh and car driver Lovepreet Singh and Omkar Singh @ Danny sitting on the conductor seat got injured and Jaspreet Singh son of Buta Singh resident of Mansa Khurd above tried to run away who have been apprehended and after apprehending Omkar Singh @ Danny, Gurjinder Singh, Lovepreet Singh, Jaspreet Singh above as per procedure and after giving first aid to Omkar Singh @ Danny, Gurjinder Singh, Lovepreet Singh and after proceeding from the spot, they have been admitted in Civil Hospital, Mansa and above mentioned numbered car used in the occurrence at the spot has been taken through Senior Constable Sukhwinder Singh 1144/ Mansa for thorough checking where Jaspreet Singh who has not suffered any injury, has been produced before you, you have arrested as per procedure. Recovered weapons also handed over to you, which you have taken into police possession alongwith vehicle vide memo. You alongwith companions met at Civil Hospital, Mansa. Statement recorded to you, heard, which is correct.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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

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

“5. ROLE OF THE PETITIONER AND EVIDENCE AGAINST THE PETITIONER:-

Upon perusal of the record, While Police Party in connection with the investigation of FIR No. 66 dated 04.04.2024, reached the rough (kachha) path going from ITI Barnala-Mansa Road to village Malakpur Khiala, They spotted a car with three young men inside-one at the driver's seat, one at the front passenger seat, and one at the back seat. Upon noticing the police vehicles, the above mentioned young men immediately started the car and attempted to flee. When ASI Bikar Singh (17/Mansa) and Constable Gurwinder Singh (587/Mansa), who were wearing bulletproof jackets, tried to stop them. The person Omkar Singh @ Danny (Petitioner), fired a shot from his pistol at ASI Bikar Singh with the intent to kill him. The shot hit ASI Bikar Singh on his bulletproof jacket at the chest. As per the record, a Pistol 32 bore along with 02 magazine and 03 live cartridges were recovered from petitioner. After completion of the investigation, the final challan has been submitted to the court.”

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 2 of the bail petition, the petitioner has been in custody since 05.04.2024. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 01 year, 02 months and 20 days. 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. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in 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.

14. 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."

15. It is clarified that if the petitioner violates 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 petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

16. 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.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

16.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.