

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

CRM-M-15164-2025  
Reserved on: 08.09.2025  
Pronounced on: 24.09.2025

Sharanbir Singh @ Gopi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Kashish Aggarwal, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	19.08.2023	Kotli Surat Malhi, District Gurdaspur	307/336/427/148/149 IPC and 25/27/54/59 of Arms Act (Section 302 IPC added vide Rapat No.9)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 13 of the bail application and 8(G) of the status report dated 20.05.2025 filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	61	25.09.2023	21/25/27-A/61/85 of NDPS Act	Kotli Surat Mallian

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“4. That it is humbly submitted that true facts pertaining to the present case are that the investigating officer alongwith other police officials were present on station Shikar Machiya in search of bad elements and were present on the Station Shikar Machian, where he received an information from a source that near village Nabinagar, continuous firing is being done between two groups and the investigating officer along with other police officials reached at the spot and took the situation under control and it was learnt from the spot that Gurjit Singh son of Bachan Singh, resident of Nabinagar alongwith Harpreet Singh @ Major son of Satnam Singh, Paramjit Singh @ Pamma son of Bhagwan Singh and Sucha Singh @ Mangu son of Dharam Singh, resident of Fatupur and Jobanpreet Singh son of Wassan Singh, resident of Ransike Talla and Prince son of Manna*

*Masih, resident of unknown and 15/20 unknown people along with them and on other side, Chanpreet Singh son of Ajit Singh, resident of Talwandi Gorayan along with him were also 15/20 unknown people and both sides were heavily equipped with sharp-edged weapons and they are addicted to intoxicants and also smuggle the intoxicant substances and they had a dispute over money issue. Because of this reason, on 18.08.2023 at about 7/8 PM, they had given the said time for the fight and both the parties with intention to kill each other, equipped themselves with rifles, pistols and sharp-edged weapons, fired at each other and have also injured them with sharp-edged weapons. Because of this, people of both sides have sustained injuries and the injured people were sent to various hospitals after arranging the vehicle and the vehicles present at the spot, amongst someone had caught fire. Because of the dispute between both the parties, parties have done firing and attacked each other with sharp-edged weapons with intention to kill each other and fired in air and put the lives of people in danger and in the pursuance of which, the present case FIR No.49 dated 19.08.2025, under section 307/336/427/148/149 of IPC & 25/27 of the Arms Act has been registered at police station Kotli Surat Mallian, Police District Batala against the accused namely Gurjeet Singh, Harpreet Singh alias Major, Paramjeet Singh alias Pamma, Sucha Singh alias Mangu, Jobanpreet Singh. Prince, Chanpreet Singh and one unknown person. It is submitted that during the course of investigation, the investigating officer reached at the place of occurrence and got recovered 4 empty cartridges of 12 bore, 03 empty cartridges of pistol and one magazine of pistol from the spot.”*

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 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 para 8 of the status report, which read as follows:

*“8. That during the course of investigation, it has been emerged on record that the second party consisting of Puran Singh son of Prem Singh, Kala son of Puran Singh residents of Nabi Nagar, Maninder Singh alias Nindu son of Manjit Singh Rio Rampur, Satinder son of Ajit Singh, Sharanbir Singh alias Gopi Slo Charan Singh resident of Fattupur, Navdeep Singh alias Nav S/o Balkar Singh resident of Paddey, Shivkaran Singh Slo Anoop Singh resident of Gillanwali, Tarsem Singh @ Doctor S/o Mewa Singh resident of Mohlowali and unknown persons who have come together and had fired upon them and injured 4/5 persons and in the pursuance of which, one cross case under section 307/427/148/149 of IPC & 25 of the Arms Act*

*was been registered vide DDR No.39 dated 02.11.2023 against the above said accused.*

***A) Medico-Legal Certificate/PMR of the deceased.***

*Post mortem Report of Chanpreet Singh is annexed herewith as Annexure R-1.*

***B) Weapon(s) used.***

*The petitioner had used the Pistol in the offence.*

***C) Weapon and injuries attributed to the petitioner.***

*The petitioner had got fired on shot with his pistol upon Paramjit Singh Sio Bhagwan Singh resident of Nabi Nagar, Gurdaspur The MLR of Paramjit Singh is annexed herewith as annexure R-2.*

***D) The evidence based on which the petitioner was arraigned as an accused.***

*The petitioner was nominated as accused in the present case on the basis of disclosure statement of one Sucha Singh.*

***E) The evidence against the petitioner.***

*The disclosure statement of Sucha Singh*

***F) The role of the petitioner.***

*During investigation it was also found that petitioner was also one of the participant in the gang war and he was from the side of Chanpreet Singh as he has been called by Chanpreet Singh to help him. He was named on the disclosure statement of one Sucha Singh. He was duly armed with deadly weapon ie pistol. The allegations are quite serious in as much as an open firing incident is taking place in the evening hours creating fear and panic. Such like incidents under the garb of settling scores for the sake of division of the booty of drugs money would be serious law and orders problem and needs to be dealt with stern hand. Even if there is no direct complainant of the case however, it is the duty of the police even to swing into action whenever such incident is reported to safeguard the life and liberty of the common people. The name of the petitioner/accused has surfaced during investigation of the case only and needs to be thoroughly probed and investigated. There was active involvement of petitioner/accused and if the applicant is released on bail, there is nevery possibility that accused can induce or threaten the prosecution witnesses or tamper with evidence and again can be a threat to the society.”*

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.

8. Per paragraph 06(vii) of the bail petition, the petitioner has been in custody since 25.09.2023 and his total custody in this FIR is around two years.

9. Counsel for the petitioner seeks bail on grounds of parity with co-accused Tarsem Singh alias Doctor, to whom Hon'ble Supreme Court had granted bail by order dated 15<sup>th</sup> April 2025 passed in SLP No. 17245 of 2024. It shall be appropriate to extract the relevant portion of the order passed by Hon'ble Supreme Court which reads as follows:

*“Considering the facts and circumstances of the case, the period of incarceration undergone by the petitioner, i.e. for almost one and half year, and the alleged complicity of the petitioner, coupled with the fact that the other two co-accused have been granted bail, we are inclined to grant bail to the petitioner.”*

10. Given the above, and 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.

11. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

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 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.

16. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner 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 (Cr.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

17. 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.

18. 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."

19. 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.

20. 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.

21. 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.

22. In the event the State finds that the petitioner is delaying the conclusion of the trial, it will be open for them to approach the trial court to recall this order.

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

24. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

25. **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.