

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

CRM-M-40493-2025
Reserved on: 08.09.2025
Pronounced on: 30.09.2025

Gurvinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|----------------------------|----------------------------------|
| 71 | 25.05.2025 | Naggal, District Ambala | 115/190/191(3)/333/351(2) BNS |

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 11 of the bail petition, the petitioner has no criminal antecedents.

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

“4. That on dated 23.05.2025, a medical ruka has been received in PS Naggal from Civil Hospital, Ambala City to the effect that Baljinder Singh son of Sarwan Singh ro village Masatpur, PS Naggal, Ambala is admitted in the hospital for treatment due injuries inflicted in fighting at village Matheri Sekhon send the IO for action. Thereafter, IO reached Civil Hospital and collected MLR No. MS/05/2025/AMB dated 23.05.2025 and obtain permission from treating doctor to record the statement of injured Baljinder Singh son of Sarwan Singh r/o village Masatpur, PS Naggal, Ambala and met the injured, but, the injured stated that he is not fully fit to give statement and will send his statement lateron.

5. That thereafter, on dated 25.05.2025, the injured/victim sent his written statement, wherein, he has stated that "I am the current Sarpanch of Village Mastpur. On 23.05.2025 at around 04:00 pm, I had got the bid of Panchayati land done in the presence of Panchayat Secretary Isham Singh and respected persons of the village and about eight persons of the village

participated in this bid by depositing security amount, the list of which is recorded in the lease register. The bid for this land was fixed at Rs. 2,33,000/- in the name of Gurmail Singh son Shri Gopal Singh and Rs. 84,700/- in the name of Jai Bhagwan son Shri Daval Chand and the amount of which was handed over to me by both the above persons. I went to my shop which is in the name of Harman Enterprises in Matheri Stand at around 4:30 pm. About 15-20 minutes after I went there, Sohan son Shri Labh Singh resident of village Mastpur, Tehsil and District Ambala entered my shop with about five persons with an intention of looting the above amount and beat me badly in which I got a lot of injured and these accomplices together looted cash from me to the tune of around Rs.3,42,000/- in which the above amount of Rs. 3,17,000/- as bid of Panchayat land and Rs. 25,000/-in cash which snatched with me and during this time, they gold chain from my neck. Sohan Singh had a kasi stick (binda) in his hand and others had sticks and sharp-edged weapons in their hands. I tried a lot to save myself and the cash but the aforesaid persons caused a lot of injuries to me and absconded with all the cash and gold chain and threatened to kill me as they went. The above named Sohan Singh is an alleged criminal who has already been sentenced in the cases of murder. Hearing the sound of the fight, many people gathered there and the above accused took advantage of the opportunity and ran away along with their weapons. Therefore, I request you to take legal action against the above accused and I have got this statement recorded myself and submitted it to you which is correct. SD/- Baljinder Singh Ph. 79999-93192, Attested ASI Tikam PS Naggal Dr. 25.05.2025". On examination of MLR of injured Baljinder Singh, it is revealed that the doctor has reported total 06 injuries in the MLR, i.e. injury No.1- Adv. X-ray Rt leg and ortho opinion, injury No. 2- x-ray Lt. Leg and ortho opinion, injury No. 3-Adv. NCCT head and Surgeon opinion, injury No. 4- Adv. X-ray shoulder, Arm forearm wrist and ortho opinion, injury No. 5- Adv. X-ray chest and Surgeon opinion and injury No. 6- Adv. CT whole spine and ortho opinion. Accordingly, the present FIR No. 71 dated 25.05.2025 U/s 351(2)/333/191(3)/190/115 BNS, 2023, Police Station Naggal, District Ambala has been registered."

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 status report.
7. It would be appropriate to refer to the following portions of the status report,

which read as follows:

“12. That so far as the role of the accused-petitioner is concerned, the specific allegations against the accused-petitioner that he inflicted injuries on the person of the injured/victim (could be seen in the photograph developed from the CCTV Footage of the place of occurrence Annexure R-5) and (also admitted in his interrogation), in connivance with other co-accused persons namely Sohan Singh, Rupinder Singh, Anmoljot Singh etc., with a wooden Hockey stick with an intention to teach him a lesson inflicted injuries on the person of the injured/victim and also threatened him to kill. The photograph of the place of occurrence wherein, the accused-petitioner is carrying Hockey stick is enclosed as Annexure R-5 for the kind perusal of this Hon'ble Court.”

8. Allegations per FIR are that petitioner along with co-accused inflicted injuries on the person of injured/victim with wooden hockey stick and the same has already been recovered and per paragraph 15 of status report, the Investigator submits that custodial interrogation is not required. Given such stand, there is no ground to deny him bail.

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, petitioner's clean antecedents and the other factors peculiar to this case, there would be no justifiability for further custodial interrogation or the pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar

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.

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.

13. 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 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.

14. 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) | |

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 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 (CrI.) 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, 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.

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. 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.

20. 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.

21. 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.

22. 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.

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. 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.

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

(ANOOP CHITKARA)
JUDGE

30.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.