

CRM-M-27904-2025

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

CRM-M-27904-2025
Reserved on: 15.07.2025
Pronounced on: 31.07.2025

Nawab Deen @ Nawabdin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gazi Mohd., Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	18.07.2024	Sandaur, District Malerkotla	115(2), 118(1), 351(1), 351(3), 3(5) of BNS 2023 and offence u/s 117(2), 118(2) of BNS added later on

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. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.

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

“....the brief factual matrix pertaining to the present case are that On 16th July 2024, an information was received from the Civil Hospital, Malerkotla regarding the admission of Ramzan Mohd. son of Sahib Deen, Abdul Guffar son of Sahib Deen, Sajia wife of Abdul Guffar and Sadiq Mohd. son Khan, residents of Village Sikandrpura, due to injuries. Due to law and emergent duty, no action could be taken on the said date. Thereafter, Sandaur along with co-officials obtained the opinion of doctor regarding the fitness of injured(s) to give statement and the doctor

CRM-M-27904-2025

declared the injured(s) namely, Ramzan Mohd., Sajia and Sadiq Mohd. fit for giving statement and the doctor also reported that injured Abdul Guffar has been referred to Rajindra Hospital, Patiala. Then, injured Ramzan Mohd. got recorded his statement before the Investigating officer.

4. That in the MLR No. HK/91/MLK/2024 of injured Ramzan Mohd., two (02) injuries were reported as sharp and were kept for X-ray, in the MLR No.HK/90/MLK/2024 of injured Sadiq Mohd., three (03) injuries were reported as blunt and were kept for X-ray, in the MLR No.HK/92/MLK/2024 of injured Abdul Guffar, five (05) injuries were reported, injuries No.1 to 3 were reported as sharp and injuries No.4 and 5 were reported as blunt and out of these injuries, injury No.1, 2 and 4 were kept for X-ray and surgical opinion and in the MLR No.HK/93/MLK/2024 of injured Sajia, one (01) injury was reported as blunt and the same was X-ray. On the basis of said statement of Ramzan Mohd. and aforementioned MLR's, offence under Sections 115(2)/118(1)/351(1)(3)/3(5) of BNS were found to have been committed by the aforementioned accused individuals. Thus, the Investigating Officer by sending the said statement to the Police Station, got registered the present FIR No.49 dated 18.07.2024 under Sections 115(2)/118(1)/351(1)(3)/3(5) of BNS, Police Station Sandaur against accused individuals namely, Mustaq Mohd. @ Bhutto and Kurshaid wife of Mustaq @ Bhutto, all residents of village Siknderpura, Tehsil and District Malerkotla and investigation commenced”.

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 the reply.

REASONING:

7. To analyze the present case, it shall be most appropriate to refer to following portion of the reply, which reads as follows:-

CRM-M-27904-2025

“5. That on the other hand, on the very same day i.e. 16.07.2024, an information was also received regarding the admission of Mustaq Mohd. @ Bhutto, Nawab Deen and Kurshaid in the Civil Hospital, Malerkotla, due to injuries. Whereupon, ASI Harjinder Singh No. 1366/SGR along with his co-officials also visited the Civil Hospital, Malerkotla on 18.07.2024 to obtain statements of the injured(s). On reaching there, the Investigating Officer presented application before the Medical Officer to obtain the opinion regarding the fitness of injured and the doctor declared the injured(s) Mustaq Mohd. and Kurshaid fit for giving statement and the doctor also reported that injured Nawab Deen has been referred to Rajindra Hospital, Patiala. Thereafter, injured Mustaq Mohd. got recorded his statement before the Investigating Officer and the same was duly corroborated by injured Kurshaid.”

8. An analysis of paragraph 5 of the reply clearly points out that it was a case where both the parties had received injuries. At this stage it would be very difficult to point out that whether the petitioner was an aggressor or had acted in self-defense. This fact coupled with the petitioner’s custody of more than six months, the petitioner being first offender, and the petitioner's counsel statement that he be given one chance to improve, reform and live like an ordinary and decent human being, would make out a case for bail.

9. 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.

10. Per the custody certificate dated 15.07.2025, the petitioner’s total custody in this FIR is 05 months & 27 days.

11. 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.

12. 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.

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 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.

CRM-M-27904-2025

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. This order is subject to the petitioner's complying with the following terms.

16. 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.

17. 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.

18. 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.

19. 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*

CRM-M-27904-2025

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."

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

31.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.