



CRM-M-8898-2025

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

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**CRM-M-8898-2025
Decided on: 21.08.2025**

Jaidev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Gurleen Dhanoa, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
82	15.05.2015	Sadar, Amritsar	394, 364, 411, 201, 363, 364-A, 347, 395 & 458 IPC

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 the bail application, the petitioner is silent about criminal antecedents. As per paragraph 12 of the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	56	16.05.2014	22 of NDPS Act	Fattu DHINGA, Kapurthala
2.	59	11.04.2015	380, 342, 457 IPC	Sadar Amritsar
3.	87	24.05.2015	399, 402, 411 IPC	Sadar Amritsar
4.	38	08.05.2015	457, 380 IPC	Goindwal Sahib, Tarn Taran
5.	220	25.08.2019	22, 29 of NDPS Act	Fattu DHINGA, District Kapurthala
6.	69	09.02.2022	42/52-A Prison Act	Islamad, Amritsar
7.	88	05.04.2012	379, 382, 380, 454, 457IPC	Cantonment

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

“4. That it is submitted that as per the report furnished by SHO of Police Station Sadar, Amritsar, the present case FIR No.82 dated 15.05.2015 (supra) was registered on the basis of statement of the complainant Anil Kumar wherein it was alleged that on the intervening night of 15.5.2015, he with his family members was sleeping in his house. At about 3:30 AM, he had doubt that someone had knocked at the gate then he saw through window of the kitchen that 5/6 persons having datar and iron rods broke



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open bolt of the outer gate and entered into the house. The complainant prevented them from entering then one of them hit iron rod on the head of the complainant, due to which he got injured and other persons also started beating the complainant and caused him injuries at 3 to 4 places with iron rod besides other injury marks on the body. Thereafter, the above said persons tied the complainant, his wife and sons and started searching his house with an intention to commit robbery and said that they had come from Jalandhar and they knew that his wife is working lady and they have lot of money. One of them gave leg blow on chest of the complainant and asked him to give money. The complainant requested them to leave and take away whatever they want to. The above said while going kidnapped Aditya son of the complainant along with his Aactiva No. PB02-CJ-8483 having his mobile number 85480xxxx and purse, ATM card of his wife and other documents.

5. That it is submitted that after registration of the present case FIR No. 82 dated 15.05.2015 (supra), an investigation was commenced by the Investigating Officer ASI Swinder Singh, IC PP Majitha Road Bypass, Police Station Sadar, Amritsar, who inspected scene of crime, prepared rough site plan and recorded statements of the witnesses.”

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 his 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, 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 following portions of the reply, which reads as follows:

“13. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the allegations levelled against the present petitioner Jaidev Singh are grave in nature. The present case FIR No. 82 dated 15.5.2015 (supra) is now pending for trial before the Court of learned Additional Sessions Judge, Amritsar; wherein charges have framed and no prosecution witness has so far been examined and three co-accused persons stand declared PO. There is strong apprehension that the petitioner Jaidev Singh can abscond and can tamper with evidence while intimidating or influencing the prosecution witnesses, if he is released on bail. As such, the petitioner is not entitled to the relief of regular bail. Therefore, the present petition is liable to be dismissed.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged



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crime and allegations are grave in nature. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. As per the custody certificate dated 20.08.2025, the petitioner's total custody in this FIR is 10 years, 02 months and 19 days.

9. 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.

10. 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.

11. 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.

12. 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)	

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

14. 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.

15. 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.



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16. 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.

17. 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."

18. 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.

19. 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.

20. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to



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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.

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

22. 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.”

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

**(ANOOP CHITKARA)
JUDGE**

**21.08.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.