

CRM-M-9525-2025

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

CRM-M-9525-2025  
Decided on: 19.05.2025

Pargat Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Dhaliwal, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Jupinder Pal Singh, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
77	10.09.2023	Balianwali, District Bathinda	302, 307, 323, 120B, 148, 149 IPC

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. In paragraph 15 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:

*“That the brief facts of the case are that initially, the FIR in question was registered against five accused by name i.e. (1) Jaswinder Singh son of Mukand Singh; (2) Jagmohan Singh @ Manmohan Singh son of Jaswinder Singh; (3) Paramjit Kaur wife of Jaswinder Singh; (4) Mandhir Singh son of Nachhatar Singh; and (5) Boota Singh son of Binder Singh and one unknown person on the statement of Jarman Singh son of Amrik Singh, on the allegations that the accused killed Gurmeet Singh son of Kashmir Singh (Masar of the complainant Jarman Singh) and they also attempted to kill three relatives of the complainant by causing injuries to them.*

*That the names of five persons i.e. (1) Pargat Singh son of Bagicha Singh (present petitioner) (2) Sukhdeep Singh son of Birbal Singh (3) Rajwinder Singh son of Harbhajan Singh (4) Gurpreet Singh son of Surjeet Singh and (5) Gurwinder Singh @ Billa @ Babbu son of Baldev Singh were nominated in the FIR on the basis of the supplementary statement of the complainant.*

*That the name of Harmanjot Singh @ Brar son of Sukhwinder Singh was nominated in the FIR in question on the basis of the statement of the injured Paramjit Kaur.”*

4. The petitioner's counsel submits that petitioner was not named in the FIR and he has been nominated on the basis of supplementary statement of complainant. He further submits that petitioner undertakes to live in decent manner and further 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. He further submits that petitioner was found innocent during investigation and now summoned u/s 358 BNSS 2023 to face trial.

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

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

*“That on 07.01.2025, PW-3 Paramjit Kaur suffered her statement wherein she had specifically named petitioner Pargat Singh and other accused and specific role and injuries are attributed. The petitioner was armed with khanda and inflicted a injury which hit on backside of her head, left leg and ankle and she received around 6-7 stitches on each injury on left leg and ankle.”*

REASONING:

7. Allegations against the petitioner are serious in nature, but considering the fact that petitioner was found innocent, as such there are two views which favours the petitioner and his undertaking to live in decent manner, this Court is inclined to grant him bail. Moreover, investigation has already been completed.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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-

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trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. 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.

**CONDITIONS:**

12. 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.

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. 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. The petitioner is directed to join the proceedings before the trial Court within seven days of uploading this order.

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

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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 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 release from prison 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. 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. **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 have the liberty to 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. A certified copy of this order would not be needed for furnishing bonds, and any

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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.

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

(ANOOP CHITKARA)  
JUDGE

19.05.2025  
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Whether speaking/reasoned: Yes  
Whether reportable: No.