

115(2), 126(2), 303(2), 304(2) BNS Act, 2023 P.S. Dirba are that, the present FIR was registered against Moksh Gupta son of Sandeep Gupta, Sumit Kumar son of Shiv Kumar and Amiteshwar Singh son of Darshan Singh residents of Sangrur on the basis of statement of Jaspreet Singh @ Preet son of Jasvir singh @ Jassi resident of Firozpur, Teshil Chamkaur Sahib, District Roop Nagar with the allegation that, "For the last two years, he is driving a vehicle used for mixture at COMPETENT RMC plant, Ubhawal Road. On 24.08.2024 he was returning to the plant, from Sangrur City, after taking the medicine, on his motorcycle bearing registration number PB-13-DQ-5917. At about 12.00 P.M. when he reached near the main gate of Flour Mill, Ubhawal Road, then a bullet motorcycle having three occupants armed with Sword and Iron Dah, came from his behind and by showing the deadly weapons, they restrained him. Then all the three occupants snatched his mobile phone make REDMI, having two SIM Cards number 78145-xxxxx and 98760-xxxxx from the pocket of his shirt. They tried to flee from the spot after pushing him and abusing him. Then he tried to catch the said persons, due to which one of the said persons gave a Kirch like Sword blow on his forehead and the other person gave Sword blow towards his head and in order to ward off the blow he raised his left hand, the sword blowhit on the fingers ofh is left hand. The third person gave blow of an iron Dah towards his head and to ward off the blow, he raised his right hand, dur to which the Iron Dah blow hit on the wrist of his right hand. Then he became unconscious and fell on the road. Then the passerby got him admitted in Civil Hospital, Sangrur. The video clip of the incident got viral on social media which was by made by the passerby present at the spot and after seeing the said video clip, he himself inquired about the snatchers and from the inquiry he came to know about the names of said snatchers." On the basis of said statement of Jaspreet Singh @ Preet, present FIR was registered against above said three persons."

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. Counsel further 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 Special Judge or Sessions 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.

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

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

"The role of the petitioner is that the present FIR was registered against accused Sumit Kumar (present petitioner) and hit two other co-accused on the basis of statement of Jaspreet Singh @ Preet. During the course of

investigation, it was duly substantiated that on 24.08.2024, complainant Jaspreet Singh @ Preet was returning to his house on his motorcycle, when he reached near main gate of flour mill, Ubhawal Road, then accused/petitioner Sumit Kumar @ Sumit Sharma armed with kirch, accused Moksh Gupta armed with Daah and Amiteshwar Singh armed with Kirpan came from behind on the bullet motorcycle and they encircled the complainant and after giving beatings to him, they snatched his mobile REDMI, having SIM No. 78145-xxxxx and 98760-xxxxx. Accused/petitioner and his co-accused have inflicted 4 injuries to the complainant jointly, out of which injury No. 4 was declared as grievous in nature, so offence u/s 117(2) BNS was added vide DDR No. 28 dated 08.01.2025. So, the involvement of accused/petitioner is fully substantiated in the commission of present offence.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Injury No.4 is grievous in nature, for which offence u/s 117(2) BNS was added and there is no other injury which is grievous in nature or fall u/s 118(2) of BNS 2023. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 10 months & 08 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, subject to the compliance of terms and conditions mentioned in this order.

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 (Cr.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

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 revoke this bail before the Special Judge/ Sessions 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. 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.