

CRM-M-26130-2025

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

CRM-M-26130-2025  
Reserved on: 23.07.2025  
Pronounced on: 30.07.2025

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Supriya Arora, Advocate  
for the petitioner.

Mr. Jatin Kundu, AAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
182	20.11.2019	Sadar Patti, Distt. Tarn Taran	307, 326, 323, 148, 149 IPC (Section 238 BNS (201 IPC) added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular 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 order dated 05.03.2025 passed by the Additional Sessions Judge, Tarn Taran, which reads as follows:

*“Accused/applicant alongwith six co-accused/non-applicants, has been booked in the present FIR, on the statement of complainant Darbara Singh to the effect that they are five brothers and all are married, residing separately. He owns five acres of land, which is adjoining to the land of Avtar Singh son of Dara Singh Caste Jatt, resident of Varnala. On 01.11.2019, at about 09.00 a.m. he was present at his fields then Avtar Singh son of Dara Singh, armed with sickle (datar), Gurwinder Singh son of Jassa Singh armed with takua, Jassa Singh son of Amrik Singh armed with sword (kirpan), Manpreet Singh alias Mannu son of Sarwan Singh armed with sword(kirpan), Binder Kaur wife of Dara Singh empty handed,*

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*Rajjo wife of Jassa Singh empty handed, Sukhi wife of Sarwan Singh empty handed, all residents of Varnala came there and Binder Kaur exhorted to teach him a lesson for creating dispute regarding the earthen boundary walls of fields (vutt). Then Avtar Singh gave direct sickle blow which hit upon the right side of his head above the ear, Avtar Singh gave second reverse blow of sickle on the bicep of his left arm, Gurwinder Singh gave reverse blow of distaff (takua) on the right side of his waist, Jassa Singh gave direct blow of sword on his left arm near elbow, Manpreet Singh alias Mannu gave direct blow of sword and in order to save him from the said blow he raised his right arm, consequently the said blow hit upon his right wrist and he fell down being drenched in blood. Then Sukhi, Rajo gave him slaps and he raised alarm and on hearing that his brother Puran Singh reached at the spot. Resultantly, all the accused persons alongwith their respective weapons fled away from the spot. He was got admitted to Civil Hospital, Gharyala by his brother Puran Singh.”*

4. The petitioner’s Counsel submits that the matter stands compromised with all the victims and petition for quashing of FIR has already been filed vide CRM-M-25886-2025, which is also fixed for today i.e. 23.07.2025.

5. The victims’ Counsel also admits the factum of compromise and states that they have no objection to the petitioner’s bail.

6. 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 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.

7. The State’s counsel opposes bail.

REASONING:

8. Per paragraph 11 of the bail petition, the petitioner has been in custody since 18.01.2025 and accordingly his custody in this FIR is more than six months.

9. Because of no objection to the bail by the victim(s), this Court is inclined to grant

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bail with clarification that this bail on compromise shall not be construed as acceptance of compromise by the prosecution or the Court.

10. Given the compromise, the penal provisions invoked vis-à-vis 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.

11. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any.

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 the 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.

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. 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.

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

19. 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.

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

(ANOOP CHITKARA)  
JUDGE

30.07.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.