



CRM-M-48784-2024 (O&M) and
CRM-M-46946-2024

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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-48784-2024 (O&M)
Date of decision: 03.04.2025

SATINDERPAL SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENT

2) CRM-M-46946-2024

PARDEEP KUMAR @ PARDEEP SINGH @ DEEPI ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Varun Garg, Advocate
for the petitioner in CRM-M-48784-2024.

Mr. Simranjeet Singh Sarwar, Advocate
for the petitioner in CRM-M-46946-2024.

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
08	02.02.2022	Banur, District SAS Nagar (Mohali)	307, 452, 323, 341, 506, 148, 149 of IPC and Section 325 of IPC added later on

1. The petitioner(s) 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. Both petitioner(s) have clean antecedents

3. Petitioner(s) were released on interim bail vide orders dated 27.09.2024 and 30.09.2024 which are continuing till date.

4. 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 case/FIR no. 8 dated 02.02.2022 U/S 307, 452, 323, 341, 506, 148, 149 IPC was registered at Police Station Banur against Jaspal Singh @ Mastan Singh son of Sher Singh resident of Village Bhudhanpur, Banur and one unknown



person, on the basis of a complaint made by Ajodh Singh son of Hardeep Singh resident of Village Bhudhanpur, Banur, in which he alleged that on 01.02.2022, at about 12:30 PM, he along with his friend Gurinder Singh was going on their motorcycle CT 100 bearing registration no. PB-70-D-8530 from his house towards their fields. When they reached near the pond of village, then Jaspal Singh @ Mastaan Singh along with his 10-12 accomplices were standing there with swords and rods and they encircled them. Jaspal Singh gave rod blow with an intention to kill him, which hit on his head. Out of the accomplices of Jaspal Singh, some gave swords blows on the backside of his head. Jaspal gave another rod blow on his right ankle. The accused also gave swords and rods blow to Gurinder Singh. Blood started oozing from the head of the complainant and he raised alarm, hearing which his cousin Satvir Singh, who was cutting fodder in his fields, also raised alarm. Upon this, the accused persons also chased Satvir Singh, who ran towards the Dera of Joginder Singh Nambardar and entered the dera to save his life. They all came to Dera and raised lalkara and threatened them with dire consequences. Then Manpreet Singh got him and Gurinder Singh admitted in Govt. Hospital Dera Bassi in an injured condition, from where he was referred to GMCH, Sector 32, Chandigarh. Ultimately, the present FIR was registered against the accused persons. The copy of FIR is already annexed with the petition as Annexure P-1 for kind perusal of the Hon'ble Court. Hence, there is no need to reiterate the entire facts again here for the sake of brevity."

5. The petitioner(s) counsel 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. Counsel for the petitioner(s) submit that the petitioner(s) were not name in the FIRs and they have been falsely implicated in the present cases. He further submits that main accused already enlarged on bail.

6. State counsel opposes bail.

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

"That the accused/petitioner(s) along with their co-accused, were the members of an unlawful assembly and were armed with deadly weapons, they all on 01.02.2022, at about 12.30 PM, encircled Ajodh Singh and his



friend Gurinder Singh @ Gurdhain Singh, while they were going on their motorcycle near village pond and caused injuries to complainant Ajodh Singh and Gurinder Singh @ Gurdhain Singh and as per Medical evidence collected so far, there were three injuries on the person of Ajodh Singh, out of which, 2 injuries were declared grievous in nature, whereas, there were 4 injuries on the person of Gurinder Singh @ Gurdhian Singh with blunt weapon. The name of the accused/petitioner is specifically mentioned by the complainant and other injured in their supplementary statement recorded on the very next day i.e. on 03.02.2022, that the accused/petitioner also caused injuries to them."

REASONING:

8. Main accused has already been enlarged on bail and matter relates to year 2022, at this belated stage, no ground is made out to deny the bail to petitioner.

9. There is sufficient prima facie evidence connecting the petitioner(s) with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

10. The petitioner(s) were granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

11. The petitioner(s) are directed to join the investigation within seven days and as and when called by the Investigator. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. Given the background of allegations against the petitioner(s), it becomes paramount to protect the complainant, witnesses, and 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



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not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner(s) shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner(s) shall be entitled to renew and take it back in case of acquittal, 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.

13. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner(s) shall not enter the victim's property, workplace, and residence 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 (Crl.) 458; and *Aparna Bhat v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

14. 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."

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

16. Petitions are allowed in terms mentioned above. Interim orders are made absolute. All pending applications, if any, stand disposed of.

03.04.2025
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**(ANOOP CHITKARA)
JUDGE**

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