

CRM-M-19428-2024

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

CRM-M-19428-2024
Reserved on: 05.02.2025
Pronounced on: 15.02.2025

Deepak Kumar @ Deepak ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Salil Dev Singh Bali, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
158	29.12.2023	Kulgarhi, District Ferozepur	302, 307, 324, 323, 506, 148, 149 IPC and 25/27 of Arms Act

1. Seeking cancellation of bail granted to respondent No.2 by the Sessions Judge, Ferozepur vide order dated 01.03.2024 in the FIR captioned above, the victim has come up before this Court.

2. Counsel for the petitioner submits that the grounds on which bail was granted to respondent No.2 was that she is a woman and is in custody for 2 ½ months.

3. I have heard counsel for the petitioner at length.

4. Counsel for the petitioner submits that the role attributed to respondent No.2 was that she raised lalkara which eventually end with death of victim after co-accused have given the beatings to him.

5. On an inquiry, counsel submits that the age of respondent No.2 was just 19 years. Considering the fact that respondent No.2 has not attributed any weapon and the role is only raising lalkara, there is no ground to interfere in the bail already granted by Sessions Court.

6. Counsel for respondent No.2 submits that they have no objection in case this Court further imposes any conditions.

7. Given above, the petition is disposed of and following conditions are added in the impugned order granting bail:-

i) Given the nature of the allegations and the other circumstances peculiar to this case, the respondent No.2 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.

ii) Given the background of allegations against the respondent No.2, 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 respondent No.2 shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days. 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.

8. It is clarified that if the respondent No.2 violates any bail condition, the State and/or the victim shall 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 respondent No.2 moves for deletion or dilution of any bail conditions, the trial court is empowered to do so. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

15.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.