



CRM-M-24634-2025

304

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

CRM-M-24634-2025

Date of Decision: 12.05.2025

Gurjeet Singh @ Gurjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

Mr. Vikasdeep Singh, Advocate
for respondents No.2 to 4.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
220	07.06.2020	Sadar Tarn Taran, District Tarn Taran	307, 34 IPC and 25, 27 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

"Statement of Mehtab Singh son of Piara Singh son of Tara Singh, resident of Village Chardi Patti, Rasulpur Kalan, Police Station Sadar, Tarn Taran aged about 53 years, Mobile No. 99154-xxxxx. It is stated that I am resident of above mentioned addressed and is an agriculturist by profession and I am having two sons who are unmarried. I am having common boundary of my land with Gurjit Singh son of Amarjit Singh, resident of village Rasulpur Kalan and I along with my son Avtar Singh and brother Bhupinder Singh at about 08 PM had gone to our fields and say that Gurjit Singh is dismantling the burm of the boundary and we asked Gurjit Singh regarding dismantling of the



CRM-M-24634-2025

burm then Gurjit Singh armed with Rifle and Mintu son of Hardev Singh armed with Pistol fired gunshots upon us with the intention to kill us with their respective weapons and Gurjit Singh who has fired from his rifle, the gunshot hit upon the biceps of left arm of my brother Bhupinder Singh and the second gunshot hit upon the left side of stomach of my son Avtar Singh and we raised hue and cry and on hearing my cries Gurbaj Singh son of Jaswant Singh who is my neighbour reach at the spot and after arranging the vehicle got the injured persons admitted to Civil Hospital, Tarn Taran and the accused persons ran away from the spot along with their respective weapons. We are coming to give information to you and you met us on the way. Thus, action may kindly be taken. Sd/- Pooran Singh.”

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. He further submits that co-accused has already been granted the concession of anticipatory bail by this Court.

5. The State's counsel opposes bail based on instructions.

6. Counsel for respondents No.2 to 4 submits that they have no objection if bail is granted to the petitioner as matter stands compromised.

7. Since the parties have settled the matter, petitioner is a first offender and co-accused granted bail by this Court, no ground is made out to deny him bail. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 9 of the bail petition, the petitioner has been in custody since 12.03.2025. Per the custody certificate dated 11.05.2025, the petitioner's total custody in this FIR is 01 month and 28 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, matter already settled between the parties and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

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.



CRM-M-24634-2025

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 (CrI.) 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.



CRM-M-24634-2025

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. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

12.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.