

CRM-M-30434-2025

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

CRM-M-30434-2025  
Reserved on: 03.07.2025  
Pronounced on: 31.07.2025

Kehar Gir

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mayur Karkra, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	06.02.2021	Julkan, District Patiala	302, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above after the trial court summoned the petitioner after allowing the complainant's application under section 319 CrPC has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail, with further relief that they be released on bail on their appearance before the trial Court.

2. In paragraph 31 of the bail petition, the accused declares that he has no criminal antecedents. 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.

3. Facts of the case are being taken from the status report filed by the State, which reads as follows:-

*“...brief facts of the case are that on 05-02-2021 at 10:00 P.M a telephone message was received in the Police Station Julkan from Doctor of Rajindra Hospital Patiala that dead body of Raj Kumar had come in the Hospital. At getting information from Rajindra the lead sons of Hospital, Patiala, police party by Inspector/SHO, Police Station Julkan District Patiala reached at Rajindra Hospital Patiala, wherein Gurjeet Singh*

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*(complainant) and Vicky Singh deceased-Raj Kumar met present to the police party. Gurjeet Singh son of Raj Kumar victim got recorded his statement with the police that on 05.02.2021 at about 11:00 A.M. his father Raj Kumar (since deceased) had gone to irrigate their fields in village Sadhu Nagar. At about 5:00 PM, the complainant was present at his residence, where he received a phone call that his father was given beatings by (1) Kehar Puri, (2) Kehar Gir, (3) Harjit Singh, (4) Gursewak Singh (5) Rekha Rani and (6) Aman. At this, the complainant along with his brother Vicky Singh reached at the spot and saw that his father was thrown in their land near the house of Gursewak Singh. The accused Rekha Rani was holding a brick, Kehar Gir had caught hold of testicles of his father, Kehar Puri, Harjit Singh, Gursewak Singh and Aman were giving him fist blows. When the complainant and his brother raised alarm, the said persons sped away from the spot and the complainant and his brother saw that blood was oozing from the head of their father Raj Kumar. At this the complainant and his brother-Vicky Singh took their father to Rajindra Hospital Patiala for treatment, wherein the concerned doctor declared him dead. The motive behind this is that enmity was already ongoing due to dispute regarding their land and trees, therefore aforesaid persons gave beatings to his father, so he succumbed to injuries. So on the above statement of complainant-Gurjit Singh case FIR No. 16 dated 06-02-2021 under Sections 302, 148, 149 IPC was registered at Police Station Julkan District Patiala against the above noted accused Kehar Puri, Kehar Gir, Harjit Singh, Gursewak Singh (petitioner), Rekha Rani and Aman.”*

4. The petitioner’s counsel 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.

5. The State’s counsel opposes bail and refers to the reply.

6. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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 it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

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**REASONING:**

7. A perusal of the reply reveals that the main injury on the head was caused by Rekha Rani with a brick. Even the medical report corroborated the injury with the brick on the head. The allegations against the petitioner were that he had caught hold of testicles of the victim, however, as per medical report, no injury was found on the testicles of the deceased. Further, during interrogation and investigation, Kehar Gir had been absolved and he was not prosecuted and later on he was summoned under Section 319 CrPC. Thus, on these grounds, he is entitled to bail.

8. The State had absolved the petitioner during the investigation, and the prosecution agencies did not consider it appropriate to prosecute the petitioner. Thus, a view favoring the petitioner exists, and on this ground alone, the petitioner is entitled to bail.

9. Given the above, the penal provisions invoked 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 the pre-trial incarceration at this stage. 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.

**CONDITIONS:**

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. 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.

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14. 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's family. 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.

15. Given the background of allegations against the petitioner, it becomes paramount to protect 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

16. 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."

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the

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Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. 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.

19. 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, the State shall 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 as per their discretion, they may 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

31.07.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.