

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

CRM-M-3145-2025
Reserved on: 03.04.2025
Pronounced on: 21.04.2025

Varinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S.Bhinder, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
193	10.11.2024	Dirba, District Sangrur	125/351/3(5) of BNS and Sections 25/27/54/59 of Arms Act (Sections 109/324(4)/61(2) of BNS added later on)

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. Per paragraph 26 of the bail application and 12 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	114	24.05.2018	420 IPC	Patran

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That pursuant to the order, it is submitted that the brief facts of the instant FIR No.193 dated 10.11.2024 for offence under section 125,351,3(5) BNS 2023 (section 109 BNS added later on) and section 25,27 Arms Act P.S. Dirba are that, the present FIR was registered against un-known persons on the basis of statement of the complainant namely Karamjeet Singh @Karma son of Shera Singh resident of Shadiheri, at P.S. Dirba, District Sangrur, with the allegation that, "On 09.11.2024, he (complainant) and his family, during night time, after having dinner, had slept and on 10.11.2024 at around 01:15 AM, he woke up for urination purpose and his

younger brother Hardeep Singh also woke up and then they both came to the courtyard and he (complainant) went towards the roof of his house (Kotha) and saw that one car was stopped in front of the main gate of his house. One unknown person came out from the conductor seat and one unknown person seen coming out from the back seat and the unknown driver of the car, after starting the car, was sitting inside the car. Then the person who had come out from the conductor seat, holding pistol/revolver in his hands, made two continuous fires towards main gate of his house and then they fled away from the spot along with weapon and said car. The incident was captured in the CCTV camera installed in his house. On discussing, he (complainant) and his family members came to know that on dated 09.11.2024, one unknown person, for the purpose of purchase of buffalo, had come to his brother Hardeep Singh in Car No. DL-4-CNB-7665 make Scorpio, to whom, his brother Hardeep Singh told that Karam Singh has no buffalo. His brother Major Singh died and due to his death, as per social custom, Major Singh's wife Swaranjit Kaur got married to the complainant. Major Singh has two children, a girl Rupinder Kaur and a boy Jashanpreet Singh. Therefore, Rupinder Kaur and her two children became the responsibility of the complainant. His niece Rupinder Kaur now lives in America., whose marriage has taken place with Navdeep Singh son of Randeep Singh resident of Arjan Wala near Adampur District Jalandhar. Randeep Singh (father Navdeep Singh) has been making phone calls to him (complainant) and his relatives, with regard to money transaction. He (Randeep Singh) also blame that due to Rupinder Kaur, a difference has come in the relations between him and his son Navdeep Singh, due to which he is residing separately from him (Randeep Singh). Action be taken against above said un-known persons" On the basis of said statement of Karamjit Singh @ Karma, present FIR was registered against un-known persons."

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 seeks bail on the grounds of parity with co-accused who have already been granted bail by this Court.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“13. A. ROLE OF THE PETITIONER VARINDER SINGH

The present FIR was registered against three unknown persons on the basis of statement of Karamjeet Singh @ Karma. During investigation, Harmeet Singh (son of chacha of complainant) resident of Shadiheri made supplementary statement before the I.O. that he made inquiry about the person, who came with Sandeep Singh and came to know that Gurpreet Singh @ Gaggu and Varinder Singh (now petitioner) are the persons, who came with Sandeep Singh @ Soni in swift car bearing no. PB72A 0556, who made fairing towards the main gate of complainant with the intention to

kill Hardeep Singh (brother of complainant). On the basis of disclosure made by Harmeet Singh, present petitioner Varinder Singh was nominated as accused in this case. Accused/petitioner Varinder Singh was arrested on 12.11.2024 and car bearing no. PB72A 0556 used in the crime was recovered from his possession. Accused/petitioner Varinder Singh during interrogation admitted this fact that on 09.11.2024, he, Gurpreet Singh @ Gaggu and Sandeep Singh @ Soni on car bearing no. PB72A 0356 make swift reached in front of the house of Karamjeet Singh @ Karma and he was driving the car at that time and Sandeep Singh @soni and Gurpreet Singh @ Gaggu fired 1/1 shot on the main gate of complainant through country made pistol arranged by Sandeep Singh @ Soni. It was duly substantiated that accused Sandeep Singh @Soni, Varinder Singh (present petitioner) and Gurpreet Singh @ Gagguin connivance with each other fired gun shots upon the complainant house with the intention to kill Hardeep Singh. So, a specific role is attributed to the petitioner in the commission of present offence.”

7. Name of the petitioner cropped up based on disclosure statement of co-accused. 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 20 of the bail petition, the petitioner has been in custody since 11.11.2024.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, bail granted to co-accused 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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.

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.

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

21.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.