

CRM-M-59494-2024

near Ram Talai Road, his nephew Bikramjit Singh also joined him in search of Kanwaljit Singh. The bulb of the street light was glowing and they saw that Gurmeet Singh son of Piara Singh armed with dattar, Saba son of Gurmeet Singh armed with baseball slugger, petitioner/accused Beeti son of Gurmeet Singh armed with sword, Mangi son of Billu armed with danda, Manjit Kaur wife of Gurmeet Singh empty handed and other four unknown persons had encircled Kanwaljit Singh. Thereafter Manjit Kaur raised lalkara to teach him a lesson upon which Gurmeet Singh gave two dattar blows on head of Kanwaljit Singh. After that accused Beeti gave sword blow which hit on his right hand. Thereafter Saba gave blow of baseball slugger on left leg of Kanwaljit Singh and Mangi gave danda blow on right ankle of Kanwaljit Singh. Other unknown persons also gave beatings to him and Manjit Singh again dragged him from his hair. Upon seeing them and raising alarm by them, all the accused ran away from the spot. The injured was taken to Civil Hospital Batala but due to the serious injuries, he was referred to Amandeep Hospital Amritsar.”

4. Petitioner seeks bail on parity with co-accused Saba Singh @ Baljit Singh and Mangat Ram @ Mangi, who were granted bail by Coordinate Bench of this Court vide orders dated 22.10.2024 and 12.11.2024 passed in CRM-M-45859-2024 and CRM-M-55146-2024 respectively.

5. 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. Counsel further 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.

6. The State's counsel opposes bail and refers to following portion of the reply, which read as follows:

“Role of the Petitioner:

The allegations against the petitioner/accused are serious in nature. As per the allegations, the petitioner/accused was member of the unlawful assembly and also caused injury No.2 to the injured by means of sword and the said injury No.2 later on declared as grievous in nature. His co-accused also caused other injuries to the injured Kanwaljit Singh and one of those injuries on his head has also been declared as dangerous to life. The injuries suffered by Kanwaljit Singh out of which serious injuries are on his head and the petitioner/accused caused the injury No.2 by sword and he is not entitled to the concession of regular bail. If the regular bail is to the accused/petitioner, there is every likelihood that he may threaten

CRM-M-59494-2024

the witnesses and interfere in the fair trial.

Evidence Against the Petitioner:

The statement got recorded by the complainant of the case at the time of registration of the case, statement of injured namely Kanwaljit Singh S/o Daljit Singh resident of Bauli Inderjit, disclosure statement of the accused/petitioner and got recovered the sworn used in the offence, MLR and the opinion of the doctor.”

REASONING:

7. The allegations against the petitioner are that he in connivance with other co-accused, assaulted the victim. The injury attributed to him is on the right hand with sword. As per the report of the doctors, the injury was found grievous in nature, but the main injury which was declared dangerous to life, is attributed to co-accused. However, custody of the accused is already more than one year and two months and the co-accused have already been granted bail. Thus, in the entirety of facts and circumstances, further pretrial custody would not be justified.

8. 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.

9. Per paragraph 6 of the bail petition, the petitioner has been in custody since 14.05.2024. Per the custody certificate dated 07.07.2025 the petitioner's total custody in this FIR is 01 year, 01 month & 20 days.

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

11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

12. 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.

13. 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-59494-2024

14. 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)	

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

16. 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.

17. 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.

18. 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.

19. 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*

CRM-M-59494-2024

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."

20. 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.

21. 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.

22. 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.

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

24. 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.

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

(ANOOP CHITKARA)
JUDGE

30.07.2025

anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.