

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56602-2024
Reserved on: 11.03.2025
Pronounced on: 20.03.2025

Gurpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Kumar Saini, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	10.03.2024	Machhiwara, Distt. Ludhiana (Police District Khanna)	307, 323, 324, 148, 149 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. xxxx xxxx

(i) That on 09.03.2024, wife of his cousin Mangal Singh namely Jasveer Kaur consumed wrong medicine and was admitted at Medicity hospital, Machhiwara. At 7:30 PM, when he alongwith Mangal Singh, Sukhchain Singh sons of Gulshan Singh and Gulshan Singh was present at said hospital to know about well being of Jasveer Kaur, at that time, father-in-law of Mangal Singh namely Gurdeep Singh armed with kirpan, his brother-in-law Gurpreet Singh (present petitioner) armed with small kirpan, his mother-in-law Kuldeep Kaur, maternal uncle Manjit Singh and Zora Singh who were empty handed came at the hospital. Gurpreet Singh (present petitioner) gave the blow of small kirpan on the right side of the chest of Sukhchain Singh, Gurpreet Singh gave a blow of small kirpan on Gulshan Singh on his right buttock. Then, Gurpreet Singh gave blow of

kirpan to Gulshan Singh on his stomach and right thigh. Gurpreet Singh gave a blow of kirpan on left elbow of complainant. Kuldeep Kaur caught hold Gulshan Singh from his hairs and Ranjit Singh and Zora Singh gave fist blows to him. The injured persons raised hue and cry on which people gathered at the spot and police also came at the spot. The people at the spot caught hold of Gurdeep Singh, Gurpreet Singh and Manjit Singh and they were arrested at the spot on 10.03.2024.

(ii) The motive behind the attack as stated by the complainant is that the accused alleged that Mangal Singh and his family forcibly gave poison to Jasveer Kaur.

(iii) That as per MLR of Gulshan Singh, he suffered 3 injuries and as per MLR of Sukhchain Singh, he suffered 1 sharp injury and complainant Hardeep Singh suffered 2 injuries. Hence, on the basis of the statement of the complainant and as per MLRs of injuries, the present FIR was registered u/s 307, 323, 324, 148, 149 IPC against Gurdeep Singh, Gurpreet Singh (present petitioner), Kuldeep Kaur, Manjeet Singh and Zora Singh.”

4. The petitioner's counsel refers to the bail petition and explicitly to paras 4 & 5, which read as follows:

“4. That the brief background of the case is that the accused and complainant parties are related to each other as the daughter ie. Jasvir Kaur of the accused family is married with Mangal Singh son of Gulshan Singh of complainant family. A matrimonial dispute arose between the parties because of the ill- treatment to Jasvir Kaur in her in laws family. The petitioner being brother of Jasvir Kaur has been implicated by the complainant side only to put pressure on Jasvir Kaur not to proceed against them for harassment and ill treatment given to Jasvir Kaur by the in- law's family. The petitioner has not committed any offence. Even if the allegation of the FIR accepts as it's on the face, it does not attract offence under Section 307 because FIR reveals that incident happened due to sudden provocation and not in planned manner, as such, Section 307 IPC would not attract.

5. That petitioner did not attack any one, he is falsely implicated by complainant side.”

5. The petitioner's counsel submits that the co-accused, namely Gurdeep Singh has been granted the benefit of regular bail by this Court vide order dated 25.10.2024 passed in CRM-M-22621-2024 (Annexure P-8). Therefore, he prays for bail on the ground of parity with said co-accused.

6. 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 his family.

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

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

"A. The role of the petitioner

6. That Gurpreet Singh (present petitioner) played an active role in the assault as per the statement of complainant Hardeep Singh. The petitioner, armed with a small kirpan, inflicted the following injuries:

A blow on the right side of the chest of Sukhchain Singh.

A blow on the right buttock of Gulshan Singh

A blow on the left elbow of the complainant, Hardeep Singh.

B. The evidence against the petitioner

7. The injuries inflicted by the petitioner are corroborated by the statements of injured persons Sukhchain Singh and Gulshan Singh, as well as the complainant, Hardeep Singh.

(i) Medical evidence supports the victims' statements:

MLR of Sukhchain Singh (Annexure R-1) identifies a sharp injury to the right side of his chest, declared dangerous to life.

MLR of Gulshan Singh (Annexure R-2) confirms three injuries, including one on the right buttock.

MLR of Hardeep Singh corroborates two injuries, including one on his left elbow.

(ii) Recovery of the weapons used in the offence.

The petitioner, Gurpreet Singh, recovered a 'khanjar (small kirpan)' used in the commission of offence on 10.03.2024."

REASONING:

9. Since, the co-accused, namely Gurdeep Singh has already been granted the benefit of regular bail by this Court, after a custody period of 7 months and 3 days, however, present petitioner is behind bars from the last more than 11 months, as such, the petitioner is also entitled to the benefit of bail on the ground of parity with said co-accused.

10. 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. As per paragraph 16 of the bail petition, the petitioner has been in custody

since 10.03.2024. As per the custody certificate dated 10.03.2025, the petitioner's total custody in this FIR is 11 months and 26 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

11. 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.

12. 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.

13. 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)	

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

15. 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.

16. 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 complainant/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.

17. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant/victim, 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 release from prison 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.

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

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

20.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.