

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

**CRM-M-34280-2021**

Date of Decision:28.03.2023

Gurbant Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. P.S. Dhaliwal, Advocate for the petitioners.

Mr. I.P.S. Sabharwal, D.A.G., Punjab.

Mr. Munish Garg, Advocate  
for respondent No.2.

**ANOOP CHITKARA, J.**

Present petition has been filed under Section 439(2) read with Section 482 Cr.P.C. seeking cancellation/rejection of anticipatory bail granted to respondent No.2 vide order dated 30.07.2021/04.08.2021 passed by Ld. Sessions Judge, Barnala in case FIR No.0069 dated 03.06.2021 under Sections 307, 447, 323, 324, 506, 148 & 149 IPC, registered at Police Station Tapa Mandi, District Barnala.

Reply on behalf of respondent No.2/accused has been filed in the Court, which is taken on record. Copy thereof has been supplied to the learned counsel opposite.

Learned counsel for respondent No.2-accused submits that the bail which was granted way back could not be cancelled .

I have heard learned counsel for the parties for some time.

On facing the serious opposition to continuation of the bail by the complainant, the counsel appearing for the respondent-accused

submits that the bail should not be cancelled and he would have no objection if this Court imposes any stringent conditions in the bail order which was already granted.

Given the voluntary statement made on behalf of the respondent No.2-accused, the present petition is partly allowed to the extent that the bail order shall stands modified and respondent No.2/accused shall comply following two conditions:-

- i) Given the nature of the allegations and the other circumstances peculiar to this case, the respondent No.2/accused shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from today 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.
- ii) Given the nature of the allegations and the other circumstances peculiar to this case, the respondent No.2/accused shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of one kilometer from the victim's home till the recording of the statements of all non-official and informal witnesses in the trial. 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. State of Madhya Pradesh, 2021 SCC Online SC 230.

28.03.2023

ps-I

Whether speaking/reasoned

Whether reportable

(ANOOP CHITKARA)  
JUDGE

: Yes/No

: Yes/No