

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-46875-2023  
Reserved on: 13.10.2023  
Pronounced on: 19.10. 2023

Karan Singh @ Montu @ Monu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Panwar, Advocate for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                 | Sections                                                                                         |
|---------|------------|--------------------------------|--------------------------------------------------------------------------------------------------|
| 282     | 21.09.2020 | Naraingarh, District<br>Ambala | 148, 149, 302, 307, 323, 324,<br>452, 506 & 120-B IPC and<br>section 25 of the Arms Act,<br>1959 |

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner's counsel prays for bail by imposing any stringent conditions and is also voluntarily agreeable to the condition that till the conclusion of the trial before the trial court, the petitioner shall keep only one mobile number, which is mentioned in AADHAR card, and within fifteen days of release from prison undertakes to disconnect all other mobile numbers. The petitioner contends that the further pre-trial incarceration would cause an irreversible injustice to the petitioner and family. Counsel for the petitioner further submits that the petitioner is entitled for grant of bail on the ground of parity with co-accused-Ranjor Singh.
4. The State opposes bail.

REASONING:

5. On 21.09.2020, the complainant Ravinder Kumar @ Titu Rana informed the investigator that accused Parmal wanted to buy a cow from them and for that purpose, he visited their house at around 2 pm. On their refusal to sell the cow, he started assaulting him, after sometime he against assaulted him on road at 5.30 pm., when he along with his *chacha* and other persons were collecting paddy that had been spread for drying, then at that time, Parmal, Randip, Happy, Ranjaur Hussan Pal, Monu (present petitioner), Narpal and Chohal Singh came there and attacked the victim with knife, sword and danda. The allegations against the petitioner are that he had inflicted danda blow on injured-Ankush Chest and on right leg.

6. Petitioner seeks bail on the ground of parity with co-accused-Ranjor Singh.

7. The allegations against the petitioner are that Ranjor Singh and Petitioner Karan Singh caught hold of Hem Singh, and his accomplice Parmal, who had stabbed the deceased with it, leading to his death.

8. Ld. Additional Sessions Judge, Ambala vide order dated 27.07.2023 had granted bail to co-accused Ranjor Singh. The Court mentioned various reasons to do so. It is not the case of the State that said order was challenged before this Court once the Sessions Court had granted the bail. If this Court would deny the bail to the similarly placed accused, that would be unjust and violative of Article 34 of the Constitution of India.

9. As per paragraph 6 of the bail petition, the petitioner is in custody since 21.09.2020. 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 further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

10. The primarily facts have been taken from reply dated 13.10.2023, the relevant paragraphs are as under:-

*"3. That as a matter of fact, the present FIR has been registered on the statement of Ravinder Kumar @ Titu Rana son of Sh. Jai Pal Singh resident of village Bada Gaon, PS Naraingarh District Ambala regarding murder of his uncle namely Hem Singh r/o village Bada Goan, PS Naraingarh District Ambala by accused-petitioner Monu and other co-accused persons namely Vishpal @ Happy, Narpal, Husan Pal Chouhal Singh, Ranjor Singh, Parmal, and Randeep (total 08 accused) with the use*

*of sharp edge weapons and that of blunt weapons. It is submitted that the accused-petitioners and co-accused also caused injuries on the person of Ravinder son of Jaipal and Rohit son of Hem Singh. The detailed contents/facts of the case have been mentioned in the FIR and the contents of FIR have already been given in Para No. 1 of the present petition by the petitioners.*

*4. That after registration of the present case, the investigation has been carried out by the local police and the IO examined the dead body of deceased Hem Singh and conducted the inquest proceedings under Section 174 Cr.PC and also recorded statements of the witnesses under Section 175 Cr.PC and under Section 161 Cr.PC. Thereafter, IO moved an application for the post mortem examination of the dead body of Hem Singh before the Medical Officer, GH Naraingarh. It is submitted that since it was late hours the dead body was kept in freezer.*

*6. That thereafter, on the same day, on the basis of secret information accused-petitioner Karan Singh @ Montu @ Monu and co-accused namely Narpal Singh, Chouhal Singh, Ranjore Singh, Randeep Singh were apprehended and questioned about the facts of the case and all the above named accused persons admitted their involvement in the commission of the crime of present case. Thereafter, the accused-petitioner Karan Singh @ Montu @ Monu and co-accused namely Narpal Singh, Chouhal Singh, Ranjore Singh, Randeep Singh were arrested in the present case.*

*7. That on the same day, during interrogation accused-petitioner Karan Singh @ Montu @ Monu and co-accused Narpal Singh, Randeep Singh, Ranjor Singh and Chouhal Singh suffered their disclosure statements and admitted their involvement in the commission of the present crime and apart from the other facts, the accused-petitioner has disclosed that he had caused the injury on the person of deceased with danda and thereafter, I and Ranjor caught hold the Hem Raj from his arms and thereafter, accused Parmal has caused injuries on his person with knife due to which he had died and he could get the danda recovered by demarcating the place. The disclosure statement of accused-petitioner Karan Singh and other co-accused was reduced into writing, signed by them on their respective disclosure statement. Thereafter, the accused were taken on 02 days police remand.*

*10. That thereafter, on the same day, accused petitioner Karan Singh got recovered danda from the disclosed place, Ranjor also got recovered a danda, Chouhal Singh also got recovered a danda, co-accused Narpal Singh also got recovered binda wooden and Randeep Singh also got recovered a danda from the disclosed place. All the recovered dandas/binda wooden were converted into separate sealed parcels bearing seals of GS/3 and were taken into possession by preparing separate recovery memos. Seal after use was handed over to HC Naresh Kumar No. 124. Thereafter, all the above named accused persons led the police party and demarcated the place of occurrence. IO prepared the memo of demarcation, duly attested by the witnesses.*

11. *That on 23.09.2020, co-accused Vishpal @ Happy son of Chouhal Singh r/o Bada Gaon, PS Naraingarh, District- Ambala and co-accused Husan Pal were apprehended and interrogated and thereafter, on the basis of interrogation, the weapons i.e. knife was recovered from the possession of co-accused Vishpal Happy and danda from the possession of Husan Pal which were taken in to possession by preparing separate sealed parcels.*

15 *That it is submitted that the accused-petitioner Karan Singh got recovered danda, Ranjor also got recovered a danda, Chouhal Singh also got recovered a danda, co-accused Narpal Singh also got recovered binda wooden and Randeep Singh also got recovered a danda, hence, in reference of recovery point, the case of accused-petitioner is on the same footing of co-accused Ranjor Singh. However, the accused-petitioner and co-accused have committed the grave offence of murder, hence, the present petition is liable to be dismissed. "*

11. In Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40, Supreme Court holds,

[28] We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.

12. The possibility of the accused influencing the investigation, tampering with evidence, intimidating witnesses, and the likelihood of fleeing justice, can be taken care of by imposing elaborate and stringent conditions. In Sushila Aggarwal v. State (NCT of Delhi), 2020 INSC 106 [Para 92], (2020) 5 SCC 1, Para 92, the Constitutional Bench held that unusually, subject to the evidence produced, the Courts can impose restrictive conditions.

13. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, coupled with the fact that the petitioner is entitled to bail on the ground of parity with co-accused Ranjor Singh, the petitioner makes a case for bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

14. In Madhu Tanwar v. State of Punjab, **2023:PHHC:077618 [Para 10, 21]**, CRM-M-27097-2023, decided on 29-05-2023, this court observed,

[10] The exponential growth in technology and artificial intelligence has transformed identification techniques remarkably. Voice, gait, and facial recognition are incredibly sophisticated and pervasive. Impersonation, as we know it traditionally, has virtually become impossible. Thus, the remedy lies that whenever a judge or an officer believes that the accused might be a flight risk or has a history of fleeing from justice, then in such cases, appropriate conditions can be inserted that all the expenditure that shall be incurred to trace them, shall be recovered from such person, and the State shall have a lien over their assets to make good the loss.

[21] In this era when the knowledge revolution has just begun, to keep pace with exponential and unimaginable changes the technology has brought to human lives, it is only fitting that the dependence of the accused on surety is minimized by giving alternative options. Furthermore, there should be no insistence to provide permanent addresses when people either do not have permanent abodes or intend to re-locate.

15. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, in the following terms:

(a). Petitioner to furnish personal bond of Rs. Ten thousand (INR 10,000/-); AND

(b) To give one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the concerned court, and in case of non-availability, to any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned officer/court must satisfy that if the accused fails to appear in court, then such surety can produce the accused before the court.

OR

(b). Petitioner to hand over to the concerned court a fixed deposit for Rs. Ten thousand only (INR 10,000/-), with the clause of automatic renewal of the principal and the interest reverting to the linked account, made in favor of the 'Chief Judicial Magistrate' of the concerned district, or blocking the aforesaid amount in favour of the concerned 'Chief Judicial Magistrate'. Said fixed deposit or blocking funds can be from any of the banks where the stake of the State is more than 50% or from any of the well-established and stable private sector banks. In case the bankers are not willing to make a Fixed Deposit in such eventuality it shall be

permissible for the petitioner to prepare an account payee demand draft favouring concerned Chief Judicial Magistrate for the similar amount.

(c). Such court shall have a lien over the funds until the case's closure or discharged by substitution, or up to the expiry of the period mentioned under S. 437-A CrPC, 1973, and at that stage, subject to the proceedings under S. 446 CrPC, the entire amount of fixed deposit, less taxes if any, shall be endorsed/returned to the depositor.

(d). The petitioner is to also execute a bond for attendance in the concerned court(s) as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the declarations made in the bail petition and all other stipulations, terms, and conditions of section 438(2) of the Code of Criminal Procedure, 1973, and of this bail order.

(e). While furnishing personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                    |  |
|----|------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                      |  |
| 2. | Passport number, (If available), when the court attesting the bonds, thinks appropriate or considers the accused as a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                       |  |
| 4. | E-Mail id (If available)                                                                                                           |  |

16. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

17. Petitioner to comply with their undertaking made in the bail petition, made before this court through counsel as reflected at the beginning of this order. If the petitioner fails to comply with any of such undertakings, then on this ground alone, the bail might be canceled, and the victim/complainant may file any such application for the cancellation of bail, and the State shall file the said application.

18. The petitioner is directed not to keep more than one prepaid SIM, i.e., one pre-paid mobile phone number, till the conclusion of the trial; however, this restriction is only on prepaid SIMs [mobile numbers] and not on post-paid connections or landline

numbers. The petitioner must comply with this condition within fifteen days of release from prison. The concerned DySP shall also direct all the telecom service providers to deactivate all prepaid SIM cards and prepaid mobile numbers issued to the petitioner, except the one that is mentioned as the primary number/ default number linked with the AADHAAR card and further that till the no objection from the concerned SHO, the mobile service providers shall not issue second pre-paid SIM/ mobile number in the petitioner's name. Since, as on date, in India, there are only four prominent mobile service providers, namely BSNL, Airtel, Vodafone-Idea, and Reliance Jio, any other telecom service provider are directed to comply with the directions of the concerned Superintendent of Police/Commissioner of Police, issued in this regard and disable all prepaid mobile phone numbers issued in the name of the petitioner, except the main number/default number linked with AADHAR, by taking such information from the petitioner's AADHAR details or any other source, for which they shall be legally entitled by this order. This condition shall continue till the completion of the trial or closure of the case, whichever is earlier. In Vernon v. The State of Maharashtra, **2023 INSC 655**, [para 45], while granting bail under Unlawful Activities (Prevention) Act, 2002, Supreme Court had directed imposition of the similar condition, which reads as follows, "(d) Both the appellants shall use only one Mobile Phone each, during the time they remain on bail and shall inform the Investigating Officer of the NIA, their respective mobile numbers."

19. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled due to non-appearance or breach of conditions.

20. The conditions mentioned above imposed by this Court are to endeavour that the accused tries to reform, does not repeat the offence and to provide an opportunity to the victim to consider legal remedies for recovery of the amount. 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.”

21. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

22. If the petitioner finds the bond amount beyond social and financial reach, it may be brought to the notice of this Court for appropriate reduction. Further, if the petitioner finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

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

24. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

25. *There would be no need for a certified copy of this order 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. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

**Petition allowed in aforesaid terms.** All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

19.10.2023  
sonia arora

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |