

250 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25025-2024 (O&M)
Date of Decision: 16.10.2024

KULDEEP SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present : Mr. R.S.Bains, Senior Advocate with
Mr. Inderpal Singh Deol, Advocate
for the petitioner.
Mr. Jasdeep Singh Gill, Addl. A.G.Punjab.
Mr. Gaurav Garg Dhuriwala, Advocate with
Mr. Stephan Masih, Advocate and
Mr. Sachit Jaiswal, Advocate
for the victim-Harpreet K. Singh.

ANOOP CHITKARA , J.(ORAL)

FIR No.	Dated	Police Station	Under Sections
28	30.10.2023	Vigilance Bureau, Phase-1, Mohali, Punjab.	384, 419, 420 and 120-B IPC and Section 7, 7-A of P.C. Act

1. Petitioner incorporated in the FIR captioned above, has come before this Court under Section 439 Cr.P.C. on 13.05.2024.
2. Vide order dated 22.05.2024 passed by this Court, petitioner was granted interim bail which in continue till today.
3. Counsel for the victim submits that the petitioner has been giving interviews to the media and other people; to this, counsel for the petitioner submits that everybody has a right to plead innocence and tell about the injustice being done to them. At this stage, counsel for the respondent(s) as well as victim submit that one of the co-accused, namely, Malvinder Singh Sidhu, PPS officer (AIG) was granted interim bail by this Court in the same FIR and after that, he killed his son-in-law in the Court premises itself and petitioner was also named

as one of the person, who was present there. As such, he is not entitled to bail in this case.

4. Counsel for the petitioner submits that this case relates to offence under P.C.Act and has nothing to do with the other case. As far as the apprehension of the victim is concerned, he voluntarily undertakes to stay away at a distance of five kilometers radius from the residence of the victim's family and secondly; counsel for the petitioner further submits that he would surrender his firearms, if any, and thirdly; he would not threaten the witnesses, hamper the investigation or delay the trial in any manner. In case, he does so, he has no objection if liberty is granted to the complainant and to State to file an application for cancellation of bail.

5. Petitioner was granted interim bail and in the interregnum, there is no allegation that he intimidated the witness or victim, hampered with the investigation, as such he is entitled to bail subject to compliance of following conditions that:-

i. 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.

ii. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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 one month 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.

iii. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property of the victim and stay away at a distance of 5 k.m from the 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 (Crl.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

6. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
7. 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.
8. In case, petitioner violates any such conditions, he would have no objection in case the complainant/victim/State approach for cancellation of bail.
9. Given above, the present petition is allowed and interim order dated 22.05.2024 is made absolute. All the pending applications, if any, also stand disposed of.

16.10.2024

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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned

Whether Reportable

: Yes/No

: Yes/No