

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-220-2025
Reserved on: 02.07.2025
Pronounced on: 24.07.2025

MANJINDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lupil Gupta, Advocate with
Mr.Sanjeet Sood, Advocate and
Ms. Dilfy Jindal, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
50	22.07.2024	Sandaur, District Malerkotla	109(1)/126(2)/115(2)/117(2)/ 191(3)/190/61(2) a of BNS and Sections 25/54/59 of Arms Act added later on

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 32 of the bail petition and the reply, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the para 2 of the bail petition, which reads as follows:

“That as per prosecution version, the instant FIR has been registered on the statement of Jaswinder Singh inter-alia on the following allegations (extracted from the order of Id. Trial Court dated 19.12.2024):-

"...that on dated 21.07.2024, the complainant along with his mother Harjit Kaur went to the bakery (bhathi) of his uncle (taya) Tarsem Singh, which is situated at main Sandaur-Lohatbaddi road in the front of the Govt. High School Kalyan. It has been further alleged that at that time, his aunt (tayi) Baljit Kaur was also present there and at about 2:15 PM, Gurdhian Singh, the elder brother of the complainant has also reached there. It has been further alleged that at about 2:30 PM, one Swift Dzire car, one Scorpio vehicle bearing registration no.PB-11CZ-9361, one Alto Car and one i20 car came there. It has been further pleaded that the co-accused Harpreet Singh @ Happy armed with Gandasa, his brother Manpreet Singh @Mani armed with iron rod fitted with Garari, Gurkamal Singh @ Landa armed with sword, Baljit Singh @ Bobby armed with stick, Mani armed with iron dah alighted from Swift Dzire car, while the co-accused Jashni, Yaad @ Yaaddu armed with iron rod and 15/16 unknown persons

armed with sticks, iron rods and swords alighted from remaining cars. It has been further alleged that they all went towards the complainant party and the co-accused Harpreet Singh @ Happy raised alarm that Jaswinder Singh @ Nikrri and his brother Gurdhian Singh be not spared today and they be taught lesson, upon which, when the complainant and his brother Gurdhian Singh tried to run away, the co-accused Harpreet Singh @ Happy and his brother Manpreet Singh told that the complainant and his brother Gurdhian be encircled from all sides. It has been further alleged that thereafter, the co-accused Harpreet Singh @ Happy and his other coaccused encircled the complainant and his brother from all sides. It has been further alleged that then the co-accused Harpreet Singh @ Happy inflicted the blow of Gandasa at the left rump of Gurdhian Singh, the brother of the complainant, upon which, the brother of the complainant sat under the tent of bakery (bhathi). It has been further alleged that thereafter, the co-accused Manpreet Singh @ Mani inflicted the blow of iron rod fitted with Garari towards the head of the complainant with an intention to kill him and then the co-accused Harpreet Singh inflicted the blow of the reverse side of the Gandasa on the head of the complainant with an intention to kill the complainant. It has been further alleged that then the co-accused Manpreet Singh @ Mani inflicted the blow of the iron rod fitted with Garari on the head of Gurdian Singh, the brother of the complaint with an intention to kill him and Gurdhian Singh, who had fallen down. It has been further alleged that thereafter, the complainant started raising alarm "Marta-Marta", then the co-accused Gurkamal Singh @ Landa inflicted the blow of the sword on the left knee of Gurdhian Singh, the brother of the complainant and the aforesaid co-accused Gurkamal @ Landa inflicted the blow of the sword on the head of the complainant with an intention to kill him. It has been further alleged that then the co-accused Manpreet Singh @ Mani has again inflicted the blow of the iron rod fitted with Garari on the head of the complainant with an intention to kill him, due to which, the complainant fell down. It has been further alleged that the co-accused Harpreet Singh @ Happy inflicted several blows of the reverse side of the Gandasa on the left arm of Gurdhian Singh with an intention to kill him, due to which, the left arm of the Gurdhian Singh had been fractured. It has been further alleged that the remaining co-accused also inflicted the blows with their respective weapons i.e. sticks, iron rods and swords on the persons of the complainant and his brother Gurdhian Singh raising threats of life, when they both had fallen down. It has been further alleged that thereafter, uncle (taya) Tarsem Singh, aunt (tayi) Baljit Kaur and mother Harjit Kaur of the complainant started raising alarm "Na Maro-Na Maro", upon which, the passers-by had stopped there and the aforesaid accused persons Harpreet Singh @ Happy, Manpreet Singh @ Mani, Baljit Singh @ Bobby, Jashni, Yaad @ Yaaddu, Gurkamal Singh @ Landa and 15/16 unknown persons ran away from the spot along with their weapons in their cars towards the Raikot side. It has been further alleged that 15/20 days ago, an altercation took place in their village, with which the complainant and his family had no concern, however, Gorakh Nath son of Harnam Singh and Rajinder Singh Foji son of Nirmal Singh had shown eyes filled with hatred to the complainant and as such the aforesaid persons in connivance with the aforesaid accused persons have inflicted the aforesaid injuries to the complainant and his brothers. It has been further alleged that thereafter, the complainant and his brother were shifted to the Civil Hospital, Malerkotla, from where, they were referred to the Rajindra Hospital, Patiala..."

4. The petitioner's counsel submits that petitioner was not named in the FIR and no specific role or injury has been attributed to the petitioner. The name of the petitioner was cropped up during investigation and based on supplementary statement of the complainant. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have not objection, if State files and application for cancellation of his bail. He further contends

that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That the present FIR was registered against the co-accused of the petitioner and the name of the petitioner was cropped up during investigation and based on the supplementary statement of the complainant Jaswinder Singh. According to the supplementary statement of the complainant, the petitioner was armed with Iron rod and gave below Iron rod on the calf muscle of lower leg of the complainant and was a member of unlawful assembly which was armed with deadly weapons and leashed out the murderous attack upon the complainant and his brother, whereby they due were badly attacked on their heads, legs, and they remained admitted in P.G.I., Chandigarh and Rajindra Hospital, Patiala. During investigation, CCTV footage was checked, which shows that the petitioner was not only member of unlawful assembly, which was armed with deadly weapons, but also actively has participated in the commission of this heinous crime. Although, the name of the petitioner does not find mention in the FIR but his name has cropped up during investigation as one of the assailants, who have inflicted injuries on the person of the complainant and his brother. The petitioner along with his other co-accused inflicted seven injuries on the person of complainant and his brother with an intention to kill them. Due to these injuries, the complainant and his brother remained admitted in Rajindra Hospital, Patiala and PGI, Chandigarh. So, a specific role is attributed to the petitioner in the commission of present offence."

REASONING:

7. Petitioner's name surfaced in the disclosure statement of co-accused and injury attributed to petition is on calf muscle of lower leg, which is not a injury, which is dangerous to life, co-accused with almost similar role has already been granted bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for grant of bail.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role attributed and co-accused granted bail and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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

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.

CONDITIONS:

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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/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. 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.

15. 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 (Crl.) 458); and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. 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 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.

17. 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 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."

18. ***This bail is conditional and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of bail in all FIRs pending against the petitioner 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

24.07.2025

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Whether speaking/reasoned:	Yes
Whether reportable:	No.