



CRM-M-1350-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1350-2025
Date of Decision:-20.01.2025

Dilraj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.B.S.Goraya, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. P.P.S.Brar, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
253	10.12.2024	Lopoke, District Amritsar	109, 126(2), 3(5) BNS and 25, 27, 29 of the Arms Act.

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents
3. The facts and allegations are being taken from the translated copy of the FIR, which reads as follows:

“Statement of Massa Singh son of Dalip Singh resident of Saranghra police station 'Lopoke' at present residing at house no. 61 B, Guru Har Rai Avenue in front of Khalsa College, Amritsar aged 60 year mobile no. 9814060563. I am a farmer and resident of above mentioned address and beside farming, I does business of commission agent also. On dated 09.12.2024, after having dinner with my brother-in-law (wife's brother) Dilbag Singh son of Jinder Singh at his house at Khaila Kalan, I was returning back from village Khaila to Khasa road, Ram Tirath in my



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Breeza Car BP 02 CE 0047 and when I reached near the farm house of Harjinder Singh then one Thar Jeep came from front side and Kuldeep Singh alias Kola son of Buta Singh and his son Dilraj Singh resident of Khaila Kalan alighted from it and after blocking my way, Kuldeep Singh alias Kola raised lalkara and said "fire the shot and don't let him go alive today" and then Dilraj Singh with the intention to kill fired two shots straight towards me and it hit on the front glass of my car. In order to save myself, I left my car and ran away toward fields and both went away in their Thar Jeep raising lalkaras. The motive for altercation is that Kuldeep Singh alias Kola is son of my brother-in-law (wife's brother) and due to our long pending discord, above name persons have fired at me with the intention to kill. This occurrence took place around 10.15 PM. That now I along with my son Tejpal Singh were going to inform you at police post Ram Tirath but you met us on the way."

4. 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 their family.

5. Counsel for the complainant submits that they have no objection if bail is granted to the petitioner because they have compromised the matter.

6. The State's counsel opposes bail and seeks time to file reply.

7. It would be appropriate to mention here that complainant, who had received injuries, has compromised the matter and is not interested to keep the person in custody and despite the offence being 109 BNS, time to file reply cannot be granted simply to delay the matter further. It is for the reason that the present petition was filed with an advance notice to the State and the State had ample time to file reply which was not filed earlier. Even otherwise filing of the reply will be inconsequential considering the no objection from the complainant, there would be no justification to keep the petitioner in custody who is already in jail for more than a month and is 20 years of age. He is stated to have lost his close relatives very recently.

8. 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. Per paragraph 1 of the bail petition, the petitioner has been in custody since 10.12.2024. Per the custody certificate dated 16.01.2025, the petitioner's total custody in this FIR is 01 month and 3 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 further pre-trial incarceration



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at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. 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.

11. 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)	

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

13. 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.

14. 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.

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

16. 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.



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

(ANOOP CHITKARA)
JUDGE

20.01.2025
smriti

Whether speaking/reasoned: Yes
Whether reportable: No.