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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1725-2025
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Sarabjit Singh alias Sam ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
65	11.03.2021	Chheharta, District Amritsar	364, 365,452, 323, 427, 336, 34 IPC & 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 10 of the bail petition as well as custody certificated dated 06.05.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	140	10.07.2019	420, 465, 467 IPC	Kotwali, Kapurthala
2	388	04.10.2023	406, 420, 120B IPC and 24 of Immigration Act	Sohana
3	280	22.09.2023	471, 474, 406, 419, 420, 467, 468 IPC and 25/27 of Arms Act	City Kharar
4	73	17.03.2021	420, 406, 120B IPC	Chherretta
5	68	13.03.2021	323, 341, 506, 427 IPC and 25 of Arms Act	Chherretta
6	28	22.02.2021	420, 120B IPC and 13 of Punjab Travel Professionals Regulation Act	Lopoke
7	565	10.10.2023	406, 420, 467, 468, 471, 120B, 506 IPC and 24 of Immigration Act	Karnal City

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8	448	15.11.2023	406, 420, 120B IPC and 24 of Immigration Act	Sohana
9	112	23.11.2023	420 IPC	Sadar S.B.S. Nagar
10	66	25.11.2023	420 IPC	Balachaur
11	72	23.11.2023	420 IPC	Balachaur
12	39	11.04.2019	379, 467, 468, 471, 473, 411, 482, 212 IPC and 25-54-59 of Arms Act	Balongi
13	346	20.11.2023	420, 406, 467, 468, 471 IPC	City Rajpura
14	17	27.01.2024	420 IPC	City Nawanshahar
15	10	17.01.2024	420 IPC	City Nawanshahar
16	114	26.11.2023	420 IPC	Sadar SBS Nagar
17	39	2019	379, 467, 468, 473, 212 IPC	Balongi
18	53	05.06.2024	406-420 IPC and 24 of Immigration Act	IT City Mohali
19	67	28.06.2024	406, 420, 466, 471 IPC and 24 of Immigration Act	IT City Mohali
20	8	10.04.2024	420, 406, 120B IPC	NRI PS
21	214	12.06.2024	420, 406,, 120B IPC	Ambala City

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“....on 10.03.2021 at about 9 to 9:15 PM, the complainant along with his both the sons Gursimran Singh and Amanpreet Singh and wife was present at his home. At that time, one Scorpio, colour black having number plat of AF, came in the street of the complainant. One boy namely Daljit Singh @ Prince S/o Harnam Singh and three other boys namely Sandeep, Ravi and Jimmy alighted from the car, who pushed main gate of house of the complainant with force, broke open inner lock of the gate and entered into the house of the complainant. Daljit Singh @Prince fired two shots from his pistol which hit walls of house of the complainant. They (complainant and his family members) were to enter into their respective rooms out of fear then Daljit Singh @ Prince and his accomplices dragged Amanpreet Singh younger son of the complainant in the street. Those persons while beating Amanpreet Singh and firing shots with pistol bundled Amanpreet Singh in their Scorpio car and fled away from the spot. The complainant tried to his son Amanpreet Singh and at about 11:15 PM, Amanpreet Singh made phone call from mobile phone of some passerby that Daljit Singh @ Prince, Sandeep, Jimmy, Ravi beat him, caused him injuries and threw him at village Vanie ke, Chogawan road, Amritsar. Therefore, the complainant brought his son Amanpreet Singh in

injured condition, had taken docket from the police post and brought Amanpreet Singh to Civil Hospital, Amritsar where his medical examination was conducted. The reason is that Daljit Singh @Prince had a minor altercation with sons of the complainant. Therefore, the above said persons kidnapped son of the complainant, caused him injuries and threw him. Therefore, based on the aforesaid statement, the present case FIR NO. 65 dated 11.03.2021, under Sections 364,365, 452, 323, 427, 336, 34 IPC and 25 Arms Act, Police Station Chheharta, Amritsar was registered by ASI Lakhwinder Kumar.”

4. The petitioner's submits that petitioner was not named in the FIR and even he was not even present at the spot and was not a member of gang which has caused alleged beatings. Counsel further submits that if this Court grants bail the petitioner undertakes to live like a decent human being and shall also surrender fire arm, if any. On instructions, counsel further submits that petitioner shall not repeat the offence and would not involve himself in the offence where sentence prescribed is more than seven years and if he does not, petitioner has no objection if the State files application for cancellation of bail. Counsel also 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. The State’s counsel opposes bail and refers to the para 5 of the reply, whichs read as follows:

“5. That it is submitted that the victim Amanpreet Singh was medico legally examined at Civil Hospital, Amritsar. The relevant details of his MLR are as under:-

S.No.	Injuries	Marked	Injury number
1	Superficial lacerated wound on right parietal region of scalp 4 X 0.3 CM.C/o pain present. No sign of any swelling is seen. No H/O LOC, dizziness, vomiting as per PAT statement.	Yes	1
2	Superficial lacerated wound on right occipital region of scalp 1 x 0.2 cm seen.C/o pain present. No sign of any swelling is seen. No H/o LOC, dizziness, vomiting as per PAT statement.	Yes	2
3	Reddish bruises multiple in	Yes	3

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	numbers on left shoulder seen 6 X 0.2 cm. C/o pain present. Movements difficulty. H/o clavicle injury present as per PAT statement. Advice X Ray left shoulder AP view		
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Nature of injuries (Simple, grievous, dangerous or pending for observation
Injury No.1, 2 simple, injury No.3 KUO
Probably duration of injury
Within 12 hours
Kind of weapon used (Sharp, blunt, firarm, fire, position etc.
Blunt all

REASONING:

6. Analysis of the above arguments lead to the following outcome.
7. It shall be appropriate to refer to following portion of the reply, which reads as follows:-

“ROLE OF THE PETITIONER

17) That it is submitted that the present petitioner Sarabjit Singh @ Sam along with other co-accused persons with common and premeditated intention had trespassed into house of the complainant while breaking open bolt of main gate of house of the complainant, they all kidnapped Amanpreet Singh in Scorpio car, beaten him and threw him. The Scorpio car used in commission of crime belonged to the present petitioner Sarabjit Singh @ Sam.

EVIDENCE AGAINST THE PETITIONER

18) That it is submitted that the prosecution evidence against the present petitioner-accused Sarabjit Singh @ Sam primarily based on the written statement (FIR) of the complainant Kamaljit Singh and statements of the victim Amanpreet Singh and eye witness Paramjit Kaur which were recorded under Section 161 Cr.P.C. during investigation of this case. Furthermore, the co-accused Daljit Singh @ Prince and Baldev Singh @ Ravi and the present petitioner-accused Sarabjit Singh @ Sam himself made disclosure statements with regard to commission of crime.”

8. Analysis of the above aspects clearly point out that petitioner was named by Paramjit Kaur and his name also came surfaced in the statement of Amanpreet Singh recorded under Section 161 CrPC. Thus, even if the petitioner was initially not named, it

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is a settled law that an FIR is not an encyclopedia and at that point of time due to trauma sometime omissions take place. Further petitioner did not mention any reason for false implication and on the other hand, there is massive criminal history. Although petitioner was named by Paramjit Kaur in the statement under Section 161 CrPC and also Amanpreet Singh but the fact that initially in the FIR, a number of people who had alighted from Scorpio were explicitly mentioned namely Daljeet Singh who was accompanied by three other boys namely Sandeep, Ravi and Jimmy, but Sarabjit Singh was not named. It is not a case that there was somebody else in the scorpio and a doubt has been created. Petitioner is stated to be in custody for around 01 year & 09 months, which is more than sufficient.

9. Given the penal provisions invoked viz-a-viz pre-trial custody which is 01 year, 06 months & 16 days as per custody certificate dated 06.05.2025, 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.

10. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner’s complying with the following terms.

14. 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.

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15. 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 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 fifteen days from release from prison 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.

16. 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."

17. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

18. **This bail is conditional, and the foundational condition is that if the petitioner indulges himself in the offence where sentence is more than seven years, the State might file an application for cancellation of this bail before the Sessions Court, which shall have the 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

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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

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.