

CRM-M-5182-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5182-2025
Date of Decision: 30.01.2025

Gauravdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Prashant Bansal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
126	26.09.2024	City Patti, Tarn Taran	109, 351(2), 191(3), 190 of BNS and 25, 27 of Arms Act

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 13 of the bail application, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	75/2021	-	-	Patti City, Tarn Taran
2.	141/2021	-	-	Valtoha, Amritsar

3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:-

“Statement of Tejpal Singh son of Manjit Singh resident of Ward No. 5 Bhullar Colony Patti, Tarn taran aged about 25 years 98774xxxx, I have stated that I am a reside of the said address and running a welding shop at Tarn Taran Road Patti. On dated 25/9/2024, it will be time will be around 10:15 PM that I and my brother Gurpreet Singh was standing on Kandyala Road with my



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friend in front of Amardeep Palace. Then a Honda amaze car come from kandyala side in which Honey, Siva and 2 other boys whose names i don't know came along with them and Honey was driving the car. I said to him that why are beating Horn? Honey abused me and took the car away and after about 15 minutes which would be around 10:30 PM that he was standing there talking with his friend, then again a xylo car came, in which Goli @ Raja son not known resident of Kashmir Colony armed with Pistol, Billa @ Herri son of not known Basti Dhara Singh armed with Pistol, Goli @ Raja son of not known resident of Chathua Wala armed with Pistol, Honey son of know not resident of Kashmir Colony empty hand, Shiva son of not known resident of Kasmir Colony with empty handed and 2-3 unidentified persons came and as soon as they came Billa @ Herri fired the pistol directly at me with the intention of killing me, the pistol fire hit my left thigh and I fell down and Shiv beat me with Kada. Then my brother came forward to rescue me, then Gauri Son of unknown resident of Chathua Mohalla, fired the pistol with the intention of killing my brother. Goli @ Raja Son of not known resident of Kasmir Colony Patti, shot my brother from pistol, the fire hit my brother's left foot and Honey hit me on my left side chest with a stick. They attacked on me and I was seriously injured. We raised alarm that we have been killed. Then our friends rescued us from them with great difficulty. They got into their vehicle and ran away, then our friends and my brother Kulwinder Singh picked us up from there and arranged a ride and brought us to Guru Nanak Dev Hospital where I and my brother Gurpreet Singh were treated. The grievance is that Honey came to us and honked the horn of the vehicle, I stopped him, so they opened fire with the intention of killing us. Legal action should be taken against this case and justice should be given to us.”

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. The State's counsel opposes bail.
6. Counsel for the complainant submits that they have settled the matter out of Court and have no objection in case this Court grants bail to the petitioner.
7. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.
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 the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.



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9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the 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 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.

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. 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. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language,



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inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. 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.

17. It is clarified that this bail order shall not protect the complainant in case of violation of Section 216/217 of BNS (181/182 of IPC).

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 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 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

30.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.