

CRM-M-7453-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7453-2025
Reserved on: 07.03.2025
Pronounced on: 25.03.2025

Bittu Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. L.S. Sidhu, Advocate
for the petitioners.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
14	22.01.2024	Bhindi Saidan, Amritsar Rural, District Amritsar	324, 323, 452, 379, 427, 148, 149, 326, 325, 201 IPC

1. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2 . That the brief and relevant facts of the case are that aforesaid FIR No.14 dated 22.01.2024 was registered on the basis of the statement of Karam Singh son of Shingara Singh, who had alleged therein that on 14.01.2024 at about 11:00 AM, there was a minor altercation between him and Nishan Singh and Vir Singh relating to water outflow but the matter was settled with the intervention of respectable persons. Thereafter at about 02:00 PM, his maternal uncle Bhagwan Singh and Satpal Singh son of his maternal uncle had came to his house and in the meantime, petitioners No. 1 to 8, Kashmir Singh, Vir Singh, Gujjar Singh, Gurmej Singh, Surti Singh, Kashmir Singh and Bagga Singh all armed with

weapons like datars, baseball bat, dang, iron rods forcibly trespassed into his house and the petitioner No. 7 raised a lalkara to teach him a lesson for digging a water channel outside their house and caused injury on his head with a blow of datar and Veer Singh caused injury on his hand with a blow of iron rod. He further alleged that when his maternal uncle Bhagwan Singh and Satpal Singh son of his maternal uncle came forward to rescue him, Gujjar Singh caused injury on the left elbow of his maternal uncle Bhagwan Singh with a blow of iron rod and Bittu caused injury on back of Bhagwan Singh with a blow of a baseball bat. He further alleged that the petitioner No. 1, 3 caused injuries on the backside of head and back of Bhagwan Singh with the respective blows of datar and rod and petitioner No. 4, 5, 8, Kashmir Singh, Gurmej Singh, Surti Singh and petitioner No. 6 caused injuries on the right wrist, right side of head, left side of head, right shoulder, right arm, right thigh and right leg of Satpal Singh, son of his maternal uncle with the respective blows of rod, datar, baseball bat, dang and the unidentified 8/10 persons damaged the window panes, washing machine. He further alleged that when his family members raised hue and cry for help, the aforesaid accused took away one computer and Z-62 camera. The detailed facts mentioned by the complainant Karam Singh in his aforesaid statement has been reproduced in the true translation of the aforesaid FIR No. 14 dated 22.01.2024 attached with the petition as Annexure P-1, which may kindly be read as a part of present paragraph as same are not repeated here for the sake of brevity.”

4. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners 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:

“Role of the petitioners

5. That as per the version of the complainant Karam Singh, the petitioner No. 1 armed with iron rod, petitioner No. 2, 3 both armed with datar; petitioner No. 4 armed with rod, petitioner No. 5 armed with datar; petitioner No. 6 armed with dang, petitioner No. 7 armed with datar; petitioner No. 8 armed with a baseball bat and as an active member of an unlawful assembly consisting of him and the other co-accused attacked

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upon the him and his maternal uncle Bhagwan Singh and Satpal Singh son of his maternal uncle and caused injuries upon them in furtherance of their common object. The petitioner No. 1 is attributed injury on the back of Bhagwan Singh, the petitioner No. 2 is attributed injury on the right side of head of Darshan Singh, the petitioner No. 3 is attributed injury on the backside of head of Bhagwan Singh, the petitioner No. 4 is attributed injury on the right wrist of Satpal Singh, the petitioner No. 5 is attributed injury on the right side of head of Satpal Singh, the petitioner No. 6 is attributed injury on the backside of leg of Satpal Singh, the petitioner No. 7 is attributed injury on the forehead of Karam Singh, the petitioner No. 8 is attributed injury on the left side of head of Satpal Singh,”

REASONING:

7. Allegations against petitioner No.7 -Nishan Singh are specific that he not only raised lalkara but also caused injury on head with datar on the person of Karam Singh with sharp edged weapon, thus the attempt was to hit on vital body part, therefore he is not entitled to bail. As per paragraph 5 of the reply, petitioner No.2-Darshan Singh was armed with datar on the person of Karam Singh and he has been attributed a sharp injury on right side of the head, thus petitioner No.2 is also not entitled to bail.

8. Regarding other petitioners i.e. petitioners No.1, 3, 4, 5, 6, 8 it is mentioned in the reply that they are not attributed injuries on any vital part of body.

9. Given above coupled with the fact that these petitioners are first offender, petitioners No.1, 3, 4, 5, 6, 8 are entitled to bail. 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.

10. 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.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners No.1, 3, 4, 5, 6, 8 make out a case for bail.

CONDITIONS:

12. Given above, provided the **petitioners No.1, 3, 4, 5, 6, 8** are not required in any other case, they shall be released on bail in the FIR captioned above subject to furnishing

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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 **petitioners No.1, 3, 4, 5, 6, 8** 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 petitioners’ complying with the following terms. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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. The petitioners are 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 petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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.

17. Given the background of allegations against the petitioners, it becomes paramount to protect the members of society, victim, 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

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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 petitioners No.1, 3, 4, 5, 6, 8 shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days 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.

18. 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."

19. 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

20. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

21. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

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23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

24. **Petition qua petitioners No.2 & 7 is dismissed and qua petitioners No.1, 3, 4, 5, 6, 8 is allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.