

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8987-2025 (O&M)
Date of Decision : 04.03.2025

Ravail Singh Alias Ravel Singh Alias RavelaPetitioner(s)
Versus
State Of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. N.S. Dandiwal, Advocate for respondent no.2.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
71	16.4.2024	City Kotkapura, District Faridkot	307, 341, 506, 148, 149 IPC and 25 & 27 Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court, second time, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 14 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	315	21.11.2019	42, 52 of Jail Manual Act and Public Property Prevention of Damage Act	City Faridkot
2.	81	18.5.2019	25/54/59 Arms Act	City Kotkapura
3.	119	13.5.2008	323, 341, 506, 148, 149 IPC	Sadar Katkapura
4.	42	8.4.2017	25/54/59 Arms Act	Sadar Kotkapura
5.	135	22.6.2021	302, 307, 34, 201, 511 IPC and 25/27/54/59 Arms Act	City Kotkapura

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

3. That it is respectfully submitted that on receipt of copy of order dated 28.02.2025 by this Hon'ble Court, the deponent has discussed the matter with the S.H.O. Police Station City Kotkapura, District Faridkot and after discussion and perusal of the record, it has been revealed that the complainant Shawanpal Singh son of Charanjit Singh son of Shingara Singh r/o Kashmiriyan Wala Mohalla, Near Sarsa Dera, Kotkapura suffered statement to the following effect:-

"..Statement of Shawanpal Singh son of Charanjit Singh son of Shingara Singh resident of Kashmiriyan Wala Mohalla Near Sarsa Dera, Kotkapura aged about 23 years Mob no. 81949-xxxxx, stated that I am resident of above said address and doing house work. On dated 15.04.2024 at about 08:00 PM, I was coming back after having bow at Baba Shiv Mandir of Baba Kabal shah when I was going in between the Chaki of the Akalian and Kiryana shop of the Sachdeva in the street then my friend Mani Singh son of Shinder Singh met me on the way. We started talking when I about to left from the place then Rahul Langa came out from the house of Happy Lungi in the street of Happy Mehra and from the Endeavour car colour white parked in front of shop of Sachdeva Ram Vehniwal resident of Wara Draka, Ravel Singh @ Ravela son of Balkar Singh resident of Vada Draka, Akshay Kumar @ Sunny son of Manjitpal resident of Kotkapura armed with baseball; Bhatti Wasi Dhakka Basti Kotkapura armed with Dasta and 3-4 unknown persons resident of Dhakka Basti they are also armed with baseball has come out from the car and come to my side then Rahul Langa has shouted Lalkara and said that today you will not be spared. We let you know to help Money Singh son of Shinder Singh resident of Kotkapura, All of them has encircled me. Then Akshay Kumar has given hit of his baseball on me that hit my back then Bhatti resident of Kotkapura has hit his armed Dasta to me that hit my back. I fell down then all of them has beaten me while I was lying on ground and has given blow in my stomach. When, I ran away after leaving them, then Ravel Singh @ Ravel and Ram Vehniwal has taken out armed pistol from their Dabs and fired on me with an intention to kill me. Then one fire hit me while running on right side of my back and I fell down and they have fired 3-4 more, then after hearing the fire sown the people of the Mohalla has gathered. After seeing the gathering of the people all of them has fled away from the spot with their weapons on Endeavour vehicle. In the meantime my parents has come on the spot and my father Charanjit Singh after arranging vehicle has got admitted in Civil Hospital, Kotkapura. Where I was refer to Guru Gobind Singh Hospital, Faridkot where I am under treatment the bone of contention is that 4/5 days earlier all of these are having fight with my friend Mony Singh son of Shinder Singh resident of Kotkapura who was working with Vicky Bollywood Photographer Kotkapura. I have helped him. Having this bone of contention all of these in connivance with each other has attacked me and has fired with an intention to kill me. Strict Legal action may be taken against them. Statement has got recorded to you and it is heard and it is correct. Sd/ Shawanpal Singh."

Accordingly, on the basis of aforesaid statement, case FIR No.71 dated 16.04.2024 Under Sections 307, 341, 506, 148, 149 IPC and U/s 25, 27, 54, 59 of Arms Act, P.S. City Kotkapura, District Faridkot was registered against (1) Rahul Langa (2) Ram Vehniwal (3) Ravel Singh @ Ravela-petitioner (4) Akshay Kumar @ Sunny and (5) Bhatti.

4. That it is respectfully that submitted during investigation, on the basis of supplementary statement made by the complainant Shawanpal Singh, the persons namely (1) Harpreet Singh @ Chinni (2) Rahul alias Bundi (3)

Inderjeet Singh (4) Harpreet Singh @ Vicky have been nominated as an accused on 24.04.2024.

5. That it is respectfully submitted that on 16.04.2024, ASI Sukhjeet Singh, P.S. City Kotkapura has gone along with police officials in connection with investigation of FIR No.71 dated 16.04.2024 u/s 307, 341, 506, 148, 149 IPC 2025 U/s 25, 27, 54, 59 Arms Act police station City Kotkapura to GGS Medical Hospital Faridkot and thereafter he was present in Police Station City Kotkapura, then the accused namely Ashish @ Bhatti son of Jaspal Singh son of Roop Singh resident of Baba Jeevan Singh Gali No. 3 Kotkapura, aged about 21 years was arrested and detained in the Police Station, then Harcharan Singh @ Happy son of Gulzar Singh suffered statement to the following effect:-

"Statement of victim Harcharan Singh @ Happy Langi son of Guljar Singh son of Bachan Singh resident of Kashmirian Wala Mohalla Kotkapura aged about 33 years Mob no. 89689-xxxxx vide MLR no. 53/VMXKP/2024 dated 15.04.2024 stated that I am resident of the above said address and doing labour job. On dated 15.04.2024 at about 08:30 PM, I was in my house then there was sound of stone in the street and there was some quarrel then I came out of my house to see and when I reached near to my gate then Tota @ Rahul, Teerath Singh, Gagga sons of Shauki Singh resident of Kotkapura, Nado son of Bur Singh resident of Kotkapura armed with baseball, Bali Singh son of not known resident of Nayian Wali Basti Kotkapura armed with Kirpan, Raju Dana son of not known resident of Kotkapura armed with Kirpan and 6-7 unknown persons has entered my house and Bali Singh shouted that today we will let you know to lift the time of our friend Sharnpal Singh son of Charanjeet Singh resident of Mohalla Kashmirian Wala. By saying say Raju Dano has given his kirpan blow to me and the same was hit my ear and then second time Bali Singh attacked me with his Kirpan and in order to prevent the same I put my left hand forward and the Kirpan hit my left hand. Then I fell down on the ground and all of them started beating me while lying down. They have punched me on my back and stomach and I started screaming MARTAMARTA on hearing my scream my brother Gurcharan Singh has tried to save me from them and Tote alias Rahul son of Sechi Singh has taken out kirpan from Raju Dano attacked my brother Gurcharan Singh which hit my brother on mouth, nose and lips. My brother and I screamed MARTAMARTA following which a group of people started gathering out of our hose. Seeing which all of them ran away along with their weapons and still kept threatening to kill us while they were running away. Then our neighbor Labh Singh son of Kala Singh resident of Kotkapura arranged the vehicle and took my brother and me to Civil Hospital Kotkapura and got us admitted there. There I am undergoing treatment. The bone of contention is that sometimes earlier there was fight taken place and there was shot was fired on the Shawanpal Singh son of Charanjit Singh resident of Kashmirian Wala Mohalla, Kotkapura. Following the same grudges they have attacked me and my brother after entering our house and caused us injuries. Necessary legal action be taken against them...."

6. That during investigation, petitioner was arrested on 01.05.2024 and during custody, he suffered disclosure statement that on 15.04.2024, he alongwith his friends Sunny, Ram Vehniwal, Saify Faridkot, Rahul Langa, Akshay Kumar @ Sunny and Bhatti went to Kotkapura from Faridkot in a Ford Endeavour car, where they had a fight with Shavanpal (Complainant) and during fight Akshay Kumar @ Sunny and Ram Vehniwal fired shots, one of the shots hits Shavanpal Singh and they all ran away on the car.
7. That it is respectfully submitted that the complainant in his statement has specifically named the petitioner-Ravel Singh @ Ravela son of Balkar Singh resident of Vada Draka.
8. That it is respectfully submitted that the following accused named in the FIR has been arrested on the following dates:- (1) Ashish @ Bhatti has

been arrested on 16.04.2024 (2) Harpreet Singh @ Chinni has been arrested on 25.04.2024 (3) Inderjeet Singh has been arrested on 27.04.2024 (4) Rahul Langa has been arrested on 01.05.2024 (5) Ravel Singh @ Ravela has been arrested on 01.05.2024. (6) Simranpreet Singh @ Rahul @ Boondi has been arrested on 24.10.2024.

The challan against the petitioner and co-accused Ashish @Bhatti, Harpreet Singh @ Chinni, Inderjeet Singh and Rahul Langa has already been presented in the Court on 15.07.2024. The next before the Trial court is 13.03.2025.

9. That it is respectfully submitted that co-accused Ram Vehniwal, Akshay @ Sunny and Harpreet Singh @ Vicky are yet to be arrested in the present case. In this regard, warrant of arrest against co-accused Ram Vehniwal, Akshay @ Sunny and Harpreet Singh @ Vicky have been obtained from the Id. Trial Court.”

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. He further submits that in case the petitioner is granted bail, he shall ensure that he does not use fire arms in the wedding of his brother-in-law or anywhere else.

5. The State’s counsel opposes bail and refers to the reply. However, counsel for the complainant states that he has no objection in case this Court grants bail to the petitioner.

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

“(A) ROLE OF THE PETITIONER:

- i) Petitioner Ravel Singh @ Ravel was armed pistol.
- ii) Petitioner Ravel Singh @ Ravel fired shot on the complainant with an intention to kill him.

(B) THE EVIDENCE AGAINST THE PETITIONER:

- i) Statement of complainant.
- ii) Disclosure statement of petitioner himself admitting his involvement in the crime.
- iii) MLR of complainant showing fire short injury on the back of complainant, which is attributed to the petitioner.”

REASONING:

7. 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.

8. As per the synopsis attached to the bail petition, the petitioner has been in custody since 17.4.2024. Per the custody certificate dated 27.2.2025, the petitioner’s total custody in this FIR is 9 months and 23 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the *prima facie* analysis of the nature of allegations, no objection given by counsel for the complainant and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

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.

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 (CrI.) 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 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.

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. 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.

19. **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.**

20. The concerned Judicial Magistrate/Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

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

22. 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.

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

04.03.2025
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(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO