

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13169-2025 (O&M)
Reserved on: 01.04.2025
Date of Pronouncement: 08.04.2025

Paramjit Singh
State of Punjab
.....Petitioner(s)
Versus
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Arora, Advocate
for the petitioner(s)

Mr. Aadesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	9.11.2024	Harike, District Tarn Taran	125 BNS and 25 Arms Act. Offence u/ss 111, 191(3), 190 BNS and Section 25(6) & (7) Arms Act added vide DDR No.23 dt.3.2.2025 and Section 109 BNS added vide DDR No.25 dt.4.2.2025

- The petitioner apprehending arrest in the FIR/DDR's captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
- As per paragraph no.24 of the petition, the petitioner declares that he has no other criminal antecedents.
- The facts of the case are being taken from the reply dated 17.3.2025 filed by the concerned DySP, which reads as follows:

“4. That the true facts leading to this case are that the complainant namely Sukhbir Singh son of Pratap Singh got recorded his statement before the Investigating Officer to the effect that he along with his family members including his wife Ranjit Kaur and 02 sons Pritpal Singh, aged 25 years and Akashdeep Singh, aged 21 years have been living abroad in United States of America since 2018. His mother Surinder Kaur and father Pratap Singh live here situated in Village Kirtowal Kalan. He along with his family came to his house at village Kirtowal Kalan on 23.10.2024 from America. His two sons went to Sri Anandpur Sahib for paying obeisance on 07.11.2024. He and his wife Ranjit Kaur, both at first went to Patti on 08.11.2024 at 12 noon for some personal work and then, they went to their relatives in Village Gandiwind Dhattal. Yesterday at

about 6 O'clock, his father Pratap Singh informed him on phone that some unknown persons by standing outside their house in Gali fired towards their house and bullet shots hit on the main gate. When he came home at 8:00 PM, he saw that there were 09 bullets fired at the gate of his house. He found 09 empty cartridges and one shell of cartridge and the said cartridges were taken into possession by the Police and on the basis of which, the present case FIR No.70 dated 09.11.2024, under Section 125 of BNS & 25 of the Arms Act has been registered at Police Station Harike, District Tarn Taran against one unknown person.”

4. Petitioner’s counsel prays for bail and has no objection to imposing of any stringent conditions, including surrender of firearms. The petitioner claims parity with co-accused Manpreet Singh who has already been granted bail by this Court vide order dated 27.3.2025. He further submits that the petitioner was not named in the FIR.

5. The State’s opposes bail and refers to the reply.

REASONING:

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

“10. That as far as role of the petitioner is concerned, it is submitted that the petitioner namely Paramjit Singh has handed over his licensed weapon 30 bore to the co-accused Gursahib Singh for committing the above said offence. As such, the petitioner has committed the serious offence and he is certainly not entitled for the concession of anticipatory bail and the custodial interrogation of the petitioner is utmost required in the present case in order to bring the investigation of the present case to its logical conclusion.”

7. An analysis of the petition, reply and documents placed on record leads to the following outcome:

8. Name of the petitioner surfaced during investigation and motive of the petitioner is unexplained. If the petitioner was there, in that case, he could have fired himself and these facts are yet to be examined.

9. 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, especially it being a cross-case.

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 petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, he shall be released on anticipatory bail in the FIR/DDR's 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 Illaqa 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 petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available)	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall surrender all his firearms, if any, and shall not move in and around the property/home/workplace of the complainant-victim and 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 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, inhuman treatment, etc.

16. 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 (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 petitioner, it becomes paramount to protect 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of 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 petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison 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 petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

20. 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.

21. 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.

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.

23. 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.

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

08.04.2025

AK

(ANOOP CHITKARA)
JUDGE

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