

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13529-2025
Reserved on: 07.04.2025
Pronounced on: 28.04.2025

Gurjot Singh @ Jot

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Jattana, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	28.04.2024	Civil Lines Bathinda, Distt. Bathinda	308, 341, 323, 427, 148, 149 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents. However, as per para 8 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	13	23.01.2022	379, 411 IPC	Sadar Bathinda

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Sukhmander Singh @ Mander Singh, resident of Street No. 2, Lal Singh Basti, Bathinda aged about 29 years, (Mob. No. 91159-xxxxx), stated that I am resident of above said address and I am doing of sewing clothes. Today on 28.04.2024, along with my friend boarded the school van no.PB03AF-3222 at Street No.7, Lal Singh Basti, Bathinda, pass to go to the election of Biba Harsimrat Kaur Badal. She addressed the people and left, we all were returning to our home in same van, the time around 2:30 in the afternoon when we reached near gate No.3 of Bathinda Stadium, 8-10 young boys who were riding in respective motorcycle/scooter with kirpan’s and rods, baseball and iron pipes

suddenly came and attacked our school van and started breaking the windshields of the vehicle in the meanwhile the Van driver Nirmal Singh came out and ran away from the spot and some persons climbed in our van and starts beating us by raising lalkara that you caught hold the raise dispute with our friend Pinna and now you will never look. In the meantime Vikram @ Koffi son of Yuppa r/o Chander Basti, Bathinda who had iron rod in hand attacked on my head and in the meantime Yadwinder Singh @ Pinna son of Jaskaran Singh resident of Chander Basti, Bathinda had attacked me by his baseball which is in his hand, on my right wrist and third attack by Viany Rattu s/o Ram Nath r/o Chander Basti, Bathinda, Lakhbir Singh @ Kaka s/o Kartar Singh resident of Beed Road, Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Mati Dass Nagar, Bathinda, Mani Singh @ Labha son of Jora Singh resident of Chander Basti, Bathinda, Abhi @ Goli son of Tara Chand resident of Kamla Nehru Colony, Bathinda, Happy son of Shinda Singh resident of Chander Basti, Bathinda and they all started beating to Sameer son of Nikka Singh resident of Udham Singh Nagar, Bathinda, when these persons attacked on our van then we raised shouted "Marta Marta", then all the persons were ran away with their weapons from the spot, then our van passengers arranged a private vehicle and got admitted me and my friend, in the Civil Hospital, Bathinda and due severe injuries Sameer was suffered to the Higher Hospital and my treatment is going on here, the reason behind the grudge is that Pinna has a light fight with boy during the rally and then Pinna called another boys to attack on our van and caused injuries to us. Yadwinder Singh @ Pinna son of Jaskaran Singh, Vikram Singh @ Koffi son of Yupp, Viney Rattu son of Ram Nath, Lavdeep @ Dodi son of Nachattar Singh, Mani Singh @ Labha son of Jora Singh, Happy son of Chinda Singh residents of Chander Basti, Bathinda, Lakhbir Singh @ Kaka son of Avtar Singh resident of Beed Road, Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Mati Dass Nagar, Bathinda and Abhi @Goli son of Tara Chand resident of Kamla Nehru Colony, Bathinda, legal action should be taken against all the above said accused."

4. Counsel for the petitioner(s) submits that they would have no objection in case any stringent conditions this Court might put upon the petitioner(s) including surrender of fire arms, not enter the property of complainant and in case, petitioner(s) repeat the offence, the State may file an application for cancellation of bail.

5. The State's counsel opposes bail and refers to the status report.

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

“6. The Evidence against the Petitioner

The role of the accused-petitioner has surfaced from the statements of the complainant Sukhmander Singh @ Mander and injured Samir.

7. The role of the petitioner

During the investigation, it has surfaced that the accused-petitioner in connivance with co-accused had beaten up the victims and they had also ransacked the glass of the case property i.e. van.”

REASONING:

7. Given the undertaking by counsel for the petitioner that in case, petitioner repeats the offence, the State may file an application for cancellation of bail, as such, he is entitled to bail.
8. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 1 of the bail petition, the petitioner has been in custody since 28.04.2024. As per the custody certificate dated 06.04.2025, the petitioner’s total custody in this FIR is 11 months and 07 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
9. 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.
10. 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.
11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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.

14. 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.

15. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. 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."

16. 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.

17. *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.*

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

28.04.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.