

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14740-2025
Reserved on: 01.08.2025
Pronounced on: 29.08.2025

Shivkaran Singh @ Karan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	19.08.2023	Kotli Surat Mallian, District Batala, District Gurdaspur	307/336/427/148 and 149 IPC and Sections 25 and 27 of Arms Act (Section 302 IPC added later on)

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

2. Per paragraph 15 of the bail application and 9 (G) of the status report filed by the State, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	113	09.09.2023	307/148/149 IPC and Sections 25/27/54/59 of Arms Act	Dera Baba Nanak
2	120	10.09.2023	25/27/54/59 of Arms Act and Sections 17/18/20 of The Unlawful Activities (Prevention) Act	Khuhia Sarvar, District Fazilka
3	41	21.05.2021	323/324/506/148/149/295/379 IPC	Fatehgarh Churian

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

“5. That it is humbly submitted that true facts pertaining to the present case are that the investigating officer alongwith other police officials were present on station Shikar Machiya in search of bad elements and were present on the Station Shikar Machian, where he received an information from a source that near village Nabinagar, continuous firing is being done between two groups and the investigating officer along with other police officials reached at the spot and took the situation

under control and it was learnt from the spot that Gurjit Singh son of Bachan Singh, resident of Nabinagar alongwith Harpreet Singh @ Major son of Satnam Singh, Paramjit Singh @ Pamma son of Bhagwan Singh and Sucha Singh Mangu son of Dharam Singh, resident of Fatupur and Jobanpreet Singh son of Wassan Singh, resident of Ransike Talla and Prince son of Manna Masih, resident of unknown and 15/20 unknown people along with them and on other side, Chanpreet Singh son of Ajit Singh, resident of Talwandi Gorayan along with him were also 15/20 unknown people and both sides were heavily equipped with sharp-edged weapons and they are addicted to intoxicants and also smuggle the intoxicant substances and they had a dispute over money issue. Because of this reason, on 18.08.2023 at about 7/8 PM, they had given the said time for the fight and both the parties with intention to kill each other, equipped themselves with rifles, pistols and sharp-edged weapons, fired at each other and have also injured them with sharp-edged weapons. Because of this, people of both sides have sustained injuries and the injured people were sent to various hospitals after arranging the vehicle and the vehicles present at the spot, amongst someone had caught fire. Because of the dispute between both the parties, parties have done firing and attacked each other with sharp-edged weapons with intention to kill each other and fired in air and put the lives of people in danger and in the pursuance of which, the present case FIR No.49 dated 19.08.2023, under section 307/336/427/ 148/149 of IPC & 25/27 of the Arms Act has been registered at police station Kotli Surat Mallian, Police District Batala against the accused namely Gurjeet Singh, Harpreet Singh alias Major, Paramjeet Singh alias Pamma, Sucha Singh alias Mangu, Jobanpreet Singh, Prince, Chanpreet Singh and one unknown person. It is submitted that during the course of investigation, the investigating officer reached at the place of occurrence and got recovered 4 empty cartridges of 12 bore, 03 empty cartridges of pistol and one magazine of pistol from the spot.”

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. Counsel for the petitioner submits that no specific role was attributed to petitioner. Co-accused Tarsem Singh @ Doctor with similar role has already been granted bail by Hon'ble Supreme Court vide order dated 15.04.2025 passed in SLP (Crl.) No. 17245/2024.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to para 4 to 7 of the status report,

which read as follows:

“4 That in compliance of the above-said order dated 03.07.2025 passed by this Hon'ble Court, the deponent called for a report from the SHO of Police Station Kotli Surat Mallian, Police District Batala pertaining to FIR No. No.49 dated 19.08.2023, under section 307/336/427/148/149 of IPC & 25/27 of the Arms Act has been registered at police station Kotli Surat Mallian.

5. That it is humbly submitted that true facts pertaining to the present case are that the investigating officer alongwith other police officials were present on station Shikar Machiya in search of bad elements and were present on the Station Shikar Machian, where he received an information from a source that near village Nabinagar, continuous firing is being done between the pursuance of which, the present case FIR No.49 dated 19.08.2023, under section 307/336/427/148/149 of IPC & 25/27 of the Arms Act has been registered at police station Kotli Surat Mallian. Police District Batala against the accused namely Gurjeet Singh, Harpreet Singh alias Major, Paramjeet Singh alias Pamma, Sucha Singh alias Mangu, Jobanpreet Singh, Prince Chanpreet Singh and one unknown person. It is submitted that during the course of investigation, the investigating officer reached at the place of occurrence and got recovered 4 empty cartridges of 12 bore, 03 empty cartridges of pistol and one magazine of pistol from the spot.

6. That during the course of investigation, the accused namely Sucha Singh alias Mangu and Desbir Singh have been arrested in the present case on 28.08.2023 and during the course of their interrogation, they voluntarily suffered their disclosure statement before the investigating officer to the effect that the accused namely Puran Singh son of Prem Singh, Kala Singh son of Puran Singh, Maninder Singh son of Manjit Singh, resident of Nambinagar, Satinder Singh son of Ajit Singh, Sharanbir Singh alias Gopi son of Charan Singh, resident of Fattupur, Simranjit Singh son of Bhagwan Singh, Gurpreet Singh son of Pritam Singh, resident of Nabbi Nagar and Desbir Singh were also present with him at the spot and on the basis of which, the accused namely Puran Singh son of Prem Singh, Kala Singh son of Puran Singh, Maninder Singh son of Manjit Singh, resident of Nambinagar, Satinder Singh son of Ajit Singh, Sharanbir Singh alias Gopi son of Charan Singh, resident of Fattupur, Simranjit Singh son of Bhagwan Singh, Gurpreet Singh son of Pritam Singh, resident of Nabbi Nagar and Desbir Singh have been nominated in the present case vide DDR No. 29 dated 28.08.2023.

7. That, further during investigation, the injured namely Chanpreet Singh has died on 31.08.2023 and on the basis of which, the offence under section 302 of IPC has been enhanced in the present case vide DDR No.09 dated 31.08.2023. Thereafter, the accused namely Simranjit Singh has been arrested on 31.08.2023 and the injured/accused namely Paramjit Singh has been arrested on 08.09.2023 and the accused namely Prince Masih has been arrested in the present case on 18.09.2023 and the accused namely Gurpreet Singh alias Gopi has been arrested in the present case on 29.10.2023 and the accused namely Gurjit Singh has been arrested in the present case on 16.11.2023.

8. That, the accused Navdeep Singh @ Nav, Shivkaran Singh

@ Karan and Tarsem Singh @ Doctor were arrested on 13.09.2023 by the police of PS Dera Baba Nanak in case FIR No.113 dated 09.09.2023 U/s 307/138/149 IPC, 25 Arms Act PS Dera Baba Nanak and during interrogation they disclosed that which occurrence took place on 18.08.2023 between two groups of village Nabi Nagar they were called on telephonically by deceased Chanpreet Singh for his help and they reached there in the vehicle of Shivkaran Singh @ Karan S/o Anoop Singh Rio Gillawali and they were present in that occurrence and 12 bore Pump Action Gun got recovered from Shivkaran Singh abovesaid they also used that gun in the offence on 18.08.2023. On the basis of this disclosure statement they were nominated as accused vide DDR No.28 dated 18.09.2023 in the present case. The accused Tarsem Singh @ Doctor was arrested on 19.09.2023."

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. Co-accused with similar role has already been granted bail by Hon'ble Supreme Court and petitioner is entitled for bail on parity. Moreover, no specific role has been attributed to petitioner and he was named on the basis of disclosure statement.
8. Per paragraph 9 of the bail petition, the petitioner has been in custody since 19.09.2023. As per the custody certificate dated 31.07.2025, the petitioner's total custody in this FIR is 01 year, 10 months and 10 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further 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 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)	
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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 (CrL.) 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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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 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.

(ANOOP CHITKARA)
JUDGE

29.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.