

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15023-2025
Reserved on: 08.07.2025
Pronounced on: 22.07.2025

Pawan @ Karan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
96	09.09.2024	Division No. 4, Jalandhar	109, 351(2), 324, 3(5), 61(2) of BNS and 25, 27 Arms Act

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. As per paragraph 28 (I) of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Year	Offenses	Police Station
1.	147	2024	304, 125 BNS, 25-54-59 of Arms Act	Basti Bawa Khel Jalandhar
2.	148	2024	109, 3(1), 61(2) BNS, 25/27-54-59 of Arms Act	Basti Bawa Khel Jalandhar

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 Sh Gurmohan Singh son of Sh Pritam Singh, resident of House No.93, Gujral Nagar, Jalandhar M. No.99889-xxxx, Stated that I am resident of above mentioned address and I have been practicing law for the last 20 years. For the last 2/3 months, I have been pursuing the case of Amarpreet Singh Aulakh resident of Canada, who is my friend, regarding a property dispute, which is situated at Village Pratappura, District Jalandhar, with Balrajpal Dosanjh w/o Late Raghbir Singh Dosanjh, son Latinder Singh Dosanjh @ Bhaini, Nishwant Dosanjh @ Nishi (daughter), all residents of Canada, is pursuing the said case as an attorney (Amarpreet Singh Aulakh). On 19-08-2024 at 9:27 AM, I received a threat from the said person on my phone No.99889-xxxx from WhatsApp No. +1(437)900-xxxx,

on which Mani Dhillon was showing, that Balrajpal Dosanjh is his sister and the property of village Pratappura belongs to his sister and her children and you do not pursue the case filed by Amarpreet Singh Aulakh, otherwise you will have to face grave consequences because the property of his sister Balrajpal Dosanjh is purchased by former judicial and the executive officers and with their help, his sister will win this case very easily and will also teach you a lesson for pursuing a case on behalf of Amarpreet Singh Aulakh. After hearing the above threats, I disconnected the phone and blocked the number. I had given a representation in this regard against the above accused to the Office of the Commissioner. Jalandhar, on 19-08-2024, which is being investigated by the ADCP, Operations/Security, Jalandhar. Meanwhile, regarding this property, Amarpreet Singh Aulakh sent a legal notice to Rajesh Verma through his lawyer that this property is disputed, its registration should not be executed, upon which I received a call from Rajesh Verma from his phone number WhatsApp 98886xxxx, he told me that the said property is purchased by retired Sessions Judge Kishore Kumar and his brother Manohar Lal retired Tehsildar, who have financial interests in this deal, after this I came to know that Balrajpal Dosanjh along with his children Bhaini and Nishi, Kishore Kumar and Manohar Lal were involved in making the threatening calls to me. Today, on 08-09-2024 at around 08:20 PM, my family was present at home. My wife Suniti heard the sound of gunshots outside the house. She came to the gate outside the house and saw that there were two bullet marks on the left side of the gate. My wife Suniti called me in panic. I reached home after a while and checked the cameras in my house. I saw that an unknown person was firing at the main gate. Another unknown person was sitting on his motorcycle and making a video of this whole incident. Then after some time, on my mobile number and WhatsApp number, I received a call from +164771xxxx whose truecaller was showing Jay Canada Mamee, who threatened me again that you should withdraw the Amarpreet Singh Aulakh case, date of which is 10-9-2024 otherwise we will enter your chamber and shoot you to death. In this way, Balrajpal Dosanjh, his son Latinder Singh @ Bhaini and daughter Nishwant Dosanjh @Nishi, Mani Dhillon, Kishore Kumar Retired Sessions Judge and Manohar Lal Retired Tehsildar have got fired shots with the intention to kill me and my family so that I cannot pursue the case of Amarpreet Singh Aulakh. I am aggrieved, statement got recorded.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence is prescribed 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR and in those cases, where he is on bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

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:

“28 G) The evidence against the petitioner.

i) Confession of petitioner and co-accused in case FIR No.148 dated 12.9.2024 U/s 109, 3(5), 61(2) BNS 2023 and U/s 25/27/54/59 of Arms Act, P.S. Bawa Khel, Jalandhar.

- ii) Recovery of Motorcycle from the petitioner on which recce was done and later on, the same was used in the crime.*
- iii) Confession of co-accused Jatinder Singh Bholu, Satbir Singh and Surinder Pal Singh alias Chindi.*
- H) The role of the petitioner.*
- i) Petitioner and co-accused Dhruv by using the motorcycle of the present petitioner bearing registration No. PB07AZ-5721 made Splendor had done recce at the house of complainant on 08.09.2024.*
- ii) On the same day at about 08:30 pm again the petitioner and co-accused Dhruv by using the motorcycle of the present petitioner bearing registration No. PB07AZ-5721 made Splendor went to the house of the complainant and Co-accused Dhruv fired 01 shot from .32 bone pistol and 01 shot from .315 bore country made pistol, at the main gate of house of the complainant.*
- iii) Rs.25,000/- had been received by the petitioner and co-accused Dhruv for this work.”*

REASONING:

7. Petitioner’s role is on lower footings. 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. As per paragraph 28 (K) of the status report, the petitioner has been in custody since 12.09.2024. As per the custody certificate dated 07.07.2025, the petitioner’s total custody in this FIR is 09 months and 21 days. 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 for further pre-trial incarceration at this stage.
8. 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.
9. 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.
10. 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) | |
11. This order is subject to the petitioner’s complying with the following terms.
12. 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.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, complainant 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 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. 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 the Hon'ble Supreme Court held 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."

15. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, the Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

16. **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.**

17. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

18. 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.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.