

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15098-2025
Reserved on: 07.04.2025
Pronounced on: 22.04.2025

Balraj Singh @ Bawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Rahul Jindal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
69	02.09.2023	Ramdas, Amritsar	304, 34 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 9 of the bail petition, the accused declares that he has no criminal antecedents. However, as per custody certificate dated 04.04.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Police Station	Sections
1.	65	24.05.2021	Ramdas	22/61/85 NDPS Act
2.	75	03.08.2022	Ramdas	61/1/14 Excise Act
3.	126	28.11.2020	Ramdas	21/29 NDPS Act

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

“2. That the brief and relevant facts of the case are that the aforesaid FIR No.69 dated 02.09.2023 was registered on the basis of the statement of Arshdeep Kaur wife of Gurpreet Singh, who had alleged therein that her husband Gurpreet Singh started consuming heroin after falling in bad company by purchasing it from Balraj Singh alias Bawa (petitioner) and Paramjit Singh alias Bhui and she and her mother in-law had raised

objection by visiting the house of the petitioner and Paramjit Singh to stop selling heroin to her husband. She further alleged that on 29.09.2023 at about 12:00PM, her husband went outside the home with money and she along with her mother-in law Sawinder Kaur reached at the house of the petitioner and Paramjit Singh to find her husband and she saw Paramjit Singh, holding a heroin injection and the petitioner took an injection from Paramjit Singh and injected the same in the arm of her husband and her husband fell down on the ground. She further alleged that when the condition of her husband deteriorated, the co-accused Paramjit Singh and the petitioner fled away from the spot and her husband died due to heroin overdose and the petitioner and Paramjit Singh were responsible for the death of her husband Gurpreet Singh. The detailed facts mentioned by the complainant Arshdeep Kaur in the aforesaid statement have been reproduced in the true translation of the FIR attached with the petition as Annexure P-1, which may kindly be read as a part of present paragraph as same are not repeated here for the sake of brevity.”

4. Counsel for the petitioner submits that co-accused Lovepreet Singh @ Love @ Baba has already been granted regular bail by this Court vide order dated 13.12.2024 passed in CRM-M-46181-2024. He further submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, not enter the property of complainant and in case, petitioner repeats the offence, the State shall be at liberty to file an application for cancellation of bail. He further 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:

“Role of the petitioner

11. That as per the prosecution version, the petitioner after sharing a common intention with the other nominated co-accused had injected the syringe filled with the heroin, which was given to him by Paramjit Singh, in arm of Gurpreet Singh, which resulted into the death of Gurpreet Singh.

Evidence against the petitioner

12. That the prosecution evidence against the petitioner is primarily based on the oral statements of the complainant Arshdeep Kaur, her mother-in-law Sawinder Kaur under Section 161 CrPC and the post-mortem examination report of the deceased Gurpreet Singh, which corroborates her version.”

REASONING:

7. As per prosecution case, allegations against the petitioner are that he along with co-accused had given the injection of heroin to Gurpreet Singh @ Gopi, which was overdose of heroin, due to which he had died. No doubt, petitioner is main accused, however, co-accused has already been granted regular bail by this Court. Moreover, given the undertaking by the counsel for the petitioner that he has no objection in case the petitioner repeats the offence, the State shall be at liberty to file an application for cancellation of his bail, as such, the petitioner 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 4 of the bail petition, the petitioner has been in custody since 02.09.2023. As per the custody certificate dated 04.04.2025, the petitioner's total custody in this FIR is 10 months and 10 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. 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.

14. 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.

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 deceased 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. 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."

17. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, 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."

18. *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.*

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.