

CRM-M-15917-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15917-2025
Reserved on: 16.07.2025
Pronounced on: 29.07.2025

Gursahib Singh alias Gurshab alias Sabha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.B.S. Gorya, Advocate
Mr. S.S. Bhullar, Advocate and
Mr. S.P.S. Sandhu, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	09.11.2024	Harike, District Tarn Taran	125 BNS, 25 of Arms Act (Sections 111, 191(3), 190, 109 BNS and 25(6)(7) of Arms Act added later on)

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

2. Per paragraph 9 of the bail petition as well as custody certificate dated 15.07.2025, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	43	28.02.2021	21B/61/85 of NDPS Act	Gate Hakima

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

“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

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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. 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 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions 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. He further submits that co-accused Paramjit Singh with similar role, has already been granted benefit of anticipatory bail by this Court vide order dated 08.04.2025 passed in CRM-M-13169-2025.

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

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

“Role of the petitioner

16. That as far as role of the petitioner is concerned, it is submitted that the petitioner namely Gursahib Singh along with the other co-accused have indiscriminately fired at the main door of the house of the complainant. As such, the petitioner has committed the serious offence and

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he is certainly not entitled for the concession of regular bail.

Weapon and injuries attributed to the petitioner

13. That the petitioner namely Gursahib Singh was armed with Glock pistol Made in Austria at the spot with which the petitioner Gursahib Singh has fired shots at the main door of the house of the complainant but no one was injured in the present case.”

REASONING:

7. Allegations against the petitioner are serious in nature, but there is no injury to anybody and petitioner was lateron nominated by the police and he was not named in the FIR. Co-accused already released on bail. As concerned for the offence u/s 111 BNS, there is only one case pending against the petitioner, as such, whether the offence is made out or not, is a matter of trial. Moreover motive is also un-explained. Considering the undertaking given by the petitioner and evidence collected so far, this Court deems it appropriate to grant him one opportunity to course correct.
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.
9. Per the custody certificate dated 15.07.2025, the petitioner’s total custody in this FIR is 05 months & 29 days.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, it is a no injury case and the other factors peculiar to this case, there would be no justifiability for further 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.
12. 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.
13. 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)	

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4.	E-Mail id (If available)	
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14. This order is subject to the petitioner’s complying with the following terms.
15. 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.
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 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.
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

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necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

19. 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.

20. 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.

21. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions 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.

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.

(ANOOP CHITKARA)
JUDGE

29.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.