

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17921-2025
Reserved on: 08.07.2025
Pronounced on: 25.07.2025

Kulwant Singh @ Mohni ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Virender Kumar, Advocate
for the petitioner (through V.C.)

Mr. Naveen K. Sheoran, D.A.G., Haryana.

Mr. Paramjit Singh Jammu, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
107	24.07.2024	Rori, District Sirsa	109/ 115(2)/ 190/ 191(2)/ 191(3)/ 118(1)/ 351(2)/ 351(3) of BNS and 25 of Arms Act (Section 118(2) added and Section 333 deleted 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 33 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. It was stated by the complainant that I am doing Agriculture work, on dated 20.07.2024 me and my brother Pargat Singh and my mother Jaspal Kaur my sister-in-law/Bhabhi Kuldeep Kaur were at home and my friend Gurmeet Singh son of Makhan Singh Resident of Rohan had come to our home that time at around 09:00 AM, sound of fire short came outside our house my elder brother Pargat Singh went near the Gate and saw that three vehicles were parked outside our house were sitting inside the vehicles, in the meantime, me and my friend Gurmeet Singh also came out and saw that in one vehicle Kulwant Singh son of Sukhdev and his brother-in-law Amandeep Singh alias Amna son of Kulwant

Singh resident of Behman Kaur Singh Wala Punjab, they were carrying pistol in their hand and in second vehicle Sukhjinder Singh alias Gaggi son of Kulwant Singh resident of Rohan who was carrying wood stick in his hand, Lovepreet Singh son of Joginder Singh Resident of Rohan who was carrying a Sword in his hand, in third vehicle Manpreet Singh son of Joginder Singh R/o Rohan and Joginder Singh son of Gurbaksh Singh resident of Rohan they were carrying tomahawks in their hands, Kulwant Singh alias Mohni son of Gurmel Singh Resident of Rohan was carrying a Rod in his hand and three-four other persons were there. I do not know their names, they were carrying wooden sticks in the hands all the above named persons upon seeing us momentarily launched an attack upon us, Sukhwinder Singh alias Gaggi gave Sword blow which he was carrying in his hand upon my brother Pargat Singh which hit upon the right hand of my brother and Lovepreet Singh inflicted injury upon the head of my brother Pargat with a Sword which he was carrying in his hand and Manpreet Singh attacked with tomahawk which he was carrying in his hand upon the head of my brother and Joginder Singh and Kulwant Singh alias Mohni inflicted injury to my friend Gurmeet Singh with the Tomahawk and Rod which they were carrying in their hands which hit upon my his right hand and upon the head when I started disengaging them then Lovepreet Singh attacked me with a Sword which hit upon the left side of my head and Kulwant Singh son of Sukhdev Singh and Amandeep Singh fired direct shots upon us with the Pistol which they were carrying in their hands with an intention to kill us, that we survived, all three of us ran and went inside our house. All the above named persons barged into our house and assaulted us inside the house, we raised alarm of killed-killed then all the persons fled from the spot along with their respective vehicle while boarding their vehicle which were parked in the street and while leaving they threatened us that today you have been left live, in future we shall kill you. The cause of grudge is that many months back arguments were exchanged with Kulwant Singh son of Sukhdev and Joginder Singh, amid that grudge they have inflicted injuries to us and have fired shot with an intention to kill us. Legal action may be initiated against all the above named accused persons.”

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.

5. The State's as well as counsel for the complainant 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:

“16. That the petitioner/accused is by name in FIR and his name has surfaced as main accused in the present case. The petitioner/accused in connivance with other accused caused multiple injuries to the injured and vehicle used in occurrence of offence alongwith iron rod used by the petitioner/accused stand recovered from him. Co-accused namely Amandeep @ Amna,

Sukhjinder @ Gaggu, Joginder Singh and other unknown persons are yet to be arrested in the present case and in such circumstances if the petitioner/accused granted the regular bail, he may pressurize the prosecution witnesses, hamper the investigation of the case and further commit the crime.”

7. As per para no.3 of the reply, injuries have been received by all the three victims. As per para no.12 of the reply, weapons of offence were also recovered which were prima facie dangerous. As per para no.16 of the reply, the weapon attributed to petitioner is iron rod which has been recovered from him. Given the fact that weapons have been recovered and undertaking given by counsel that petitioner will reform and live like a decent human being, this Court does not deem it justifiable to further extend the pre-trial incarceration.
8. 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.
9. Per paragraph 22 of the bail petition, the petitioner has been in custody since 09.12.2024. Per the custody certificate dated 07.07.2025, the petitioner’s total custody in this FIR is 06 months and 27 days and he is a first offender.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner is a first offender 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
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)	

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

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. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to 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

25.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No