



CRM-M-19380-2024

-1-

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

CRM-M-19380-2024

Date of decision: 07.11.2025

JASWINDER SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB AND ORS.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. C.L. Sharma, Advocate for respondents No.2 and 3.

SUBHAS MEHLA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439(2) of Cr.P.C read with Section 482 of Cr.P.C for cancellation of bail granted to respondents No.2 to 4 in case bearing FIR No.213 dated 10.09.2019, under Sections 323, 341, 452, 307, 379, 506, 148, 149 IPC and Section 20 of Arms Act, 1959 and Section 325 of IPC added later on, registered at Police Station Tanda, District Hoshiarpur vide order dated 24.09.2020 and 14.10.2020 as Annexures P-4 and P-5 respectively for violation of conditions mentioned in Section 438 (2) Cr.P.C.

2. Learned counsel for the petitioner submits that he seeks permission to withdraw the present petition qua respondent No.3, namely, Arshdeep Singh and pursue his petition qua respondents No.2 and 4.

3. Ordered accordingly.

4. Learned counsel for the petitioner submits that FIR No. 213 dated 10.09.2019 (Annexure P-1) was registered against respondents No. 2 to 4. He

**CRM-M-19380-2024****-2-**

further submits that the petitioner is an eyewitness in the said case, and due to this grudge, the respondents attacked the petitioner's house, causing injuries to him and his family members. In this regard, another FIR No. 52 dated 12.03.2024, under Sections 323, 307, 458, 195-A, 436, 511, 379-B, 427, 148, and 149 of the IPC, and Sections 25 and 27 of the Arms Act, was registered against them. He further submits that respondents No. 2 and 4 were granted anticipatory bail by this Hon'ble Court vide orders dated 24.09.2020 and 14.10.2020 (Annexures P-4 and P-5 respectively), subject to conditions under Section 438(2) Cr.P.C., which they have since violated. Learned counsel also submits that respondents No. 2 and 4 have been granted regular bail by the trial Court, and therefore prays for cancellation of their bail in connection with FIR No. 213 dated 10.09.2019.

5. On the other hand, learned State counsel submits that detailed reply has been filed by the State and submits that respondent No.3, namely, Arshdeep Singh was found to be innocent in this case. However, respondents No.2 and 4 were found to be involved in the incident, and appropriate action has been taken against them in accordance with law. It is further submitted that the petitioner may be directed to approach the trial Court, which shall consider all his pleas and decide the petitioner's application, if it is found that respondents No.2 and 4 have violated the conditions of bail.

6. Learned counsel for respondent Nos. 2 to 4 has opposed the present application on the ground that a false FIR has been registered, as one of the petitioner's relatives, ASI Rajwinder Singh, is posted at the police station under whose jurisdiction the FIR was lodged. He further submits that respondent No. 3 was found innocent and that the petitioner's version of events



CRM-M-19380-2024

-3-

respondents No.2 to 4 released on bail by the trial Court. Therefore, any grievances of the petitioner, if any, may be raised before the trial Court.

7. Heard.

8. Keeping in view the facts and circumstances of the case that respondents No.2 to 4 were on interim bail vide order dated 24.09.2020 and 14.10.2020 respectively but later on they were granted regular bail by the trial Court as per the version of the learned counsel for the petitioner. The petitioner appeared as a prosecution witness, and thereafter, an attack was allegedly carried out at his residence, leading to the registration of FIR bearing No. 52 dated 12.03.2024, under Sections 323, 307, 458, 195-A, 436, 511, 379-B, 427, 148, 149 IPC and Sections 25 and 27 of Arms Act has been registered against them. Considering the overall the facts and circumstances, the present petition is disposed of with a direction to the petitioner to move an appropriate application before the trial Court. The trial Court shall consider the facts and determine whether respondents No. 2 and 4, who are accused before that Court, have violated the conditions of their bail, and shall decide the application in accordance with law.

07.11.2025
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(SUBHAS MEHLA)
JUDGE

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