

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

CRM-M-18301-2025
Reserved on: 09.07.2025
Pronounced on: 23.07.2025

Jagtar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	27.04.2024	City Kotkapura, District Faridkot	324/323/506/148/149 IPC (Section 307 IPC added 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 21 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Statement of Manjit Singh son of Pohla Singh son of Isher Singh, resident of Sham Nagar, Tower Wali Gali, Mukatsar Sahib Road, Kotkapura, age 38 years, phone number 62800-16984 stated that I am resident of above said address and doing a labour work. My aunt's (Bhua) daughter Baljit Kaur widow of late Beant Singh resides at Shaheed Bhagat Singh Nagar, Kotkapura. The Scheduled Caste Cooperative Land owning Society had allotted land measuring 4 Kanal land denoted by Khasra no.476/6, in the name of her mother-in-law Bimla Devi. Now my cousin sister Baljit Kaur is cultivating the said land and wheat crop was sown in it. On 25.04.2024, I along with Barjinder Singh was got harvesting the wheat crop in aforesaid land with the combine. At around 9:30 PM, Jagtar Singh armed with Gandasa along with Surjit Singh armed with Sword son of Kesar Singh residents of

Muktsar road, Kotakpura and Sukhdev Singh armed with stick son of Hajura Singh resident of Shaheed Bhagat Singh Nagar Duareana Road Kotakpura and Amrik Singh resident of Kotakpura along with unknown persons came over there. Sukhdev Singh raised lalkara that catch hold them and teach them a lesson for harvesting the wheat crop, upon which they all of them started beating Barjinder Singh with their respective weapons. When I raised alarm Marta Marta, upon which all the persons fled away from the spot while giving life threats. The reason behind the grudge is that said Sukhdev Singh wants to take forcible possession of land in possession of my cousin sister. He inconnivance with above said persons, gave injuries to Barjinder Singh. Then I arranged the vehicle and got admitted Barjinder Singh in Civil Hospital, Kotkapura in injured condition, from where doctor referred him to Guru Gobind Singh medical College & Hospital, Faridkot and then they further referred to DMC, Ludhiana for better treatment, where Barjinder Singh is under treatment. Today you have recorded my statement, heard and is correct. Sd/ Manjit Singh Verified Sd/-Sukhdev Singh ASI Police Station City Kotakpura date 27.04.2024.”

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. He further seeks bail on the grounds of parity with co-accused who has been granted bail by Sessions Court vide order dated 13.08.2024.

5. The petitioner's 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, 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“The role of the petitioner:

- i) Petitioner gave Gandasa blow on Right front parietal area of injured Barjinder Singh (declared Dangerous to life)*
- ii) Petitioner gave Gandasa blow on Right temporal area of injured Barjinder Singh (Declared Dangerous to life)*
- iii) Petitioner gave Gandasa on Left hand lady finger.”*

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. No doubt the injury attributed to petitioner is dangerous to life, however co-

accused with similar role has already been released on bail. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per the custody certificate dated 08.07.2025, the petitioner's total custody in this FIR is 11 months and 09 days.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused already granted bail 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)	

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

23.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.