

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18351-2025
Reserved on: 06.05.2025
Pronounced on: 13.05.2025

Dalvinder Singh @ Jeeti ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anterpreet Singh, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
205	14.07.2022	Sahnewal, District Police Commissionerate, Ludhiana	323, 324, 341, 34 IPC (Sections 326/325 IPC added later on)

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. As per paragraph 23 of the bail application and as per paragraph 11 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	15	03.02.2016	307, 506, 34 IPC and Section 25 of Arms Act	Dabba, Ludhiana
2.	63	07.08.2016	22/61/85 of NDPS Act	Moti Nagar, Ludhiana
3.	276	04.10.2017	302, 506, 307, 148, 149, 452, 326, 201 IPC	Dabba, Ludhiana
4.	58	18.04.2019	307, 506 and 34 IPC and 22/27-A of NDPS Act	Sarabha Nagar, Ludhiana
5.	108	23.05.2019	52-A of Prison Act	Division No.7, Ludhiana

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Davinder Singh son of Amrik Singh, resident of House No.1098, Backside of PNB Bank, Dhandari Kalan, Ludhiana aged 32 years, Mb. No.98551-xxxx stated that I live with my family at above said

address. I do agriculturist work. On 06.07.2022, I was standing near market, park of my village. My friend was also with me, when I was about to leave on my car then my friend Riyaj said that a boy has fallen behind the car, don't reverse the car. When I came out from the car, then one Jeeti r/o Dhandari Kalan, Ludhiana and Jassa, he also lives in Dhandari Kalan. They were taking out something from the pocket of the fallen boy then I stopped them and we had a quarrel, then Jeeti gave iron pipe blow on my left arm and fled away. On 12.07.2022 at about 10/11.00 pm I alongwith my friend Randhir Singh, Nikalpreet Singh @ Tiddi were standing infront of shop of Jaspal TV Centre, Surjit Cinema Chowk, then Jeti, Billa, Jassa and Budhu alongwith 8/10 unknown persons came there, who are armed with swords, Jeti was armed with khanda and others armed with swords. Jeeti gave khanda blow on my head and again he gave second blow and I put my left hand forward, which hit on the finger of my left hand and my finger fell down and I also fell down. Then they started giving kirpan blow on my both legs. After that they hit me continuously. My friends, who were standing near me, they also hit them with swords and my friends also suffered injuries and they also fell down. These persons had caused injuries to us with intention to kill us. In the meantime, so many people gathered at the spot and they ran away alongwith their weapons by giving threat to kill us. My father got admitted me in Apollo hospital, where I am under treatment. I recorded my statement, which is correct. Legal action be taken against accused."

4. Counsel for the petitioner submits that he has no objection if this Court while granting bail imposes any stringent conditions including surrender of fire arms, if any, and shall not enter the place of residence of the victim/complainant. On instructions, counsel further submits that the petitioner shall not repeat the offence and would not involve himself in the offence, where the sentence prescribed is more than 7 years and he has no objection if the State files an application for cancellation of bail in the present case as well as other pending cases against the petitioner. He 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 reply.

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

"8. Role of the petitioner:

That, there are serious allegations against the present petitioner, Dalvinder Singh alias Jeeti, has attributed the specific role of having assaulted the complainant on two separate occasions. On 06.07.2022, he

is alleged to have struck the complainant on the left arm with an iron rod. Further, on 12.07.2022, the petitioner is specifically alleged to have been armed with a khanda and to have inflicted a grievous blow to the complainant's head, followed by a second khanda blow to the left hand, resulting in the amputation of a finger. The petitioner is also alleged to have been part of a group assault wherein the complainant was further attacked while lying on the ground.

9. EVIDENCE AGAINST THE PETITIONER:

That there are serious allegations against the present petitioner, Dalvinder Singh alias Jeeti. He has been attributed with a specific and active role in assaulting the complainant on two separate occasions. On 06.07.2022, he is alleged to have struck the complainant's left arm with an iron rod. Subsequently, on 12.07.2022, he is alleged to have been armed with a khanda, with which he inflicted a grievous blow to the complainant's head, followed by a second blow to the complainant's left hand, resulting in the amputation of a finger. The petitioner is also alleged to have participated in a group assault in which the complainant sustained further injuries.

10. That although the petitioner has been specifically attributed with causing sharp and grievous injuries to the complainant using a khanda (a double-edged iron weapon), it is submitted that only a wooden stick was recovered during the investigation at the instance of the petitioner. The primary weapon used in the offence the khanda has not been recovered to date. It is most respectfully submitted that the petitioner is deliberately and intentionally withholding information regarding the location of the said weapon, and is not cooperating with the investigating agency despite being fully aware of its whereabouts.”

REASONING:

7. 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. As per paragraph 11 of the bail petition, the petitioner has been in custody since 22.12.2023. As per the custody certificate dated 05.05.2025, the petitioner's total custody in this FIR is 07 months and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie 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.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. 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 (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

14. 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 today 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.

15. 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."

16. 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.

17. **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.**

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

13.05.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.