

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

CRM-M-18914-2025
Reserved on: 08.07.2025
Pronounced on: 22.07.2025

Tarun ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Janan Singh Bhinder, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

Mr. S.K.Sandhir, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
264	03.09.2024	Sohana, District SAS Nagar (Mohali)	115/109/3(5) of BNS

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. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That with regard to the subject matter of the present petition, it is submitted that case/FIR No.264dated03.09.2024under Sections 115, 109, 3(5) BNS was registered at PS Sohana, District SAS Nagar against Tarun (Petitioner), Gurdeep and Arvind on the statement of Dalip Chand that he is running a sweet shop under the name and style of New Amar Sweets, and that he has two sons and one Course at CGC Landran. It has been further alleged that on 03.09.2024, between 01:00 PM and 02:00 PM, his son Neeraj informed him that Manav had been attacked with a sharp-edged knife by certain students of the same college. Thereafter, he along with his family members rushed towards Landran and while on the way, the complainant came to know that the college authorities had admitted his son Manav to Grecian Hospital, Sector 69, Mohali.

It has been further alleged that upon reaching Grecian Hospital, he was informed by students of the college and other persons present there that Tarun (Petitioner) in connivance with his accomplices Gurdeep and Arvind had attacked his son Manav and inflicted a blow with a sharp-edged knife on the left side of his body with the intention to kill. It has been further alleged by the complainant that his son is undergoing treatment in a serious condition. Accordingly, appropriate legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Sections 115, 109, 3(5) BNS, therefore, case/FIR No. 264 (supra) was registered against the aforesaid 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 counsel 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:

“Evidence against the petitioner

14. That the evidence against the petitioner includes the statement of the complainant Dalip Chand, who specifically named the petitioner as the person who attacked his son Manav, with a sharp-edged knife, along with his accomplices. The victim's medico-legal report (MLR) confirms that the injury was caused by a sharp-edged weapon and was declared dangerous to life, corroborating the complainant's account. Furthermore, the weapon used in the attack, a knife, was recovered based on the petitioner's disclosure statement during the investigation and was taken into police possession. Furthermore, the victim Manav in his statement recorded on 26.10.2024, explicitly identified the petitioner as the person who attacked him.

Role of the petitioner

15. That the petitioner is accused of being the principal accused who attacked the victim Manav, with a sharp-edged knife causing a life-threatening injury to the victim. The petitioner in connivance with his accomplices is alleged to have inflicted the injury with the intention to kill. The petitioner's role in the commission of the offence is further substantiated by the victim's statement, where he specifically identified the petitioner as the person who attacked him, as well as by the recovery of the weapon used in the attack based on the petitioner's disclosure during the investigation.”

7. Petitioner is main accused and injury is on the left lower abdomen with knife. There is only one injury in the abdomen which shows that there was no repeated attempt and hospitalization of victim was for about 15 days. 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.

8. 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.
9. Per paragraph 07 of the bail petition, the petitioner has been in custody since 03.09.2024. Per the custody certificate dated 07.07.2025, the petitioner's total custody in this FIR is 10 months which makes petitioner entitle for bail.
10. 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.
11. 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.
12. 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) | |
13. This order is subject to the petitioner's complying with the following terms.
14. 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.
15. 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.

16. 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.

17. 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."

18. 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.

19. **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.**

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

22.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.