

CRM-M-18779-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-18779-2025  
Reserved on: 10.07.2025  
Pronounced on: 29.07.2025

Gurmeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.B.S. Dhillon, Advocate  
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. H.S. Randhawa, Advocate  
for the complainant.

\*\*\*\*\*

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                         | Sections                                                                                                                                           |
|---------|------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 130     | 29.07.2024 | Sidhwan Bet, Dist.<br>Ludhiana (Rural) | 110, 117(2), 190, 191, 351<br>BNS 2023 (Section 110 BNS<br>was deleted but Sections 109,<br>115(2), 118(1), 140(3) &<br>324(2) BNS 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. In paragraph 20 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“That the brief facts of the case are that on 28-07-2024, complainant Pawan Kumar son of Budh Ram resident of Sidhwan Bet gave statement to the police that he is running vegetable shop which is situated in front of Gurdwara Sahib, Shwan Bet. He is also cultivating the land of Surinder Kaur which is situated at village Abbupura and Surinder Kaur has executed registered WILL of her land in his favour.*

3. That the complainant further stated that on 26-07-2024 at about 10:00 AM, he received information that persons are committing theft of electric wires of his motor from his field. On receipt of this information, he along with Daljit Singh and Sohan Singh went to his field on his car. But on seeing them, those persons managed to escape from his field. The complainant gave intimation to police on help line no. 112. Then the complainant started checking of his kotha of motor. People started gathering there. He also gave information to concerned DSP and concerned SHO on phone.

4. That the complainant further stated that Jagwinder Singh and 3 unidentified boys started ploughing his maize crop with tractor Sonalika. Gurjant Singh Janta fired at him with rifle and the fire crossed over his right shoulder. Gurwinder Singh Vicky also fired in the air from his revolver. Jasvir Singh armed with dang, Amritpal Singh, Gurmeet Singh armed with dangs, Sarwan Singh @ Sarva armed with dang, Sonu armed with dang, Sukhdev Singh armed with dang, Gurwinder Singh Vicky armed with revolver(petitioner), Jaganpreet Singh Babbu armed with handle of spade, Gurmeet Singh (petitioner) son of Sukhwinder Singh armed with dang, Gurpreet Singh Preeti armed with dang, Satkartar Singh armed with handle of spade, Daini armed with handle of spade, kaki armed with dang, Harmander Singh @ Gorkha armed with dang, Abhijeet Kanda, Jaswant Singh, Lakhvir Singh Sukhi, Darshan Singh, Surinder Singh s/o Lachhman Singh, Gurbaksh Singh, Manjit Singh, Gurbachan Singh and Amarjit Singh all were armed with dangs along with 20/25 unidentified persons wrongfully restrained him in the field. Abhijeet Kanda raised lalkara to teach him lesson.

5. That the complainant further stated that when these accused started beating him, then Abhijeet Kanda started preparing video from his mobile phone. Then accused Amritpal Singh @ Amba gave dang blow on his head with the intention to kill him, but he raised his right hand and the blow hit on his right hand. Harmander Singh @ Gorkha gave dang blow on his right hand. Gurmeet Singh (petitioner) son of Sukhwinder Singh also gave dang blow on his right hand. Satkartar Singh gave dang blow on his back. Accused Daini gave dang blows on his back when he was lying on the ground. All these persons gave 50 blows on his arms, legs and back. The assailants threw him as semiconscious. These persons continued giving him beating for 10/15 minutes. The assailants have circulated the video of this occurrence.

6. *That the complainant further stated that then Gurmeet Singh (petitioner), Gurjant Singh Janta, Sukhdev Singh, Amritpal Singh Amba dragged him and took him in the passage and they have beaten him there. His brother Satish Kumar reached in the field. These accused persons abused him, assaulted him and apprehended him. Gurmeet Singh (petitioner) Gurjant Singh Janta, Sukhdev Singh Gulu forcibly put the complainant in the car and bring him in another field and threw him there. Gurmeet Singh (petitioner) was driving the car.*

7. *That the complainant further stated that Surinder Singh son of Darshan Singh, Puneet Singh son of Surinder Singh, Abhijot Singh, Parminder Singh, Roobi, Rajesh Kumar were present there. Gurmeet Singh (petitioner) told Surinder Singh that this is the person and asked accused Surinder Singh if the complainant is to be finish. All these persons have beaten him there. Then Surinder Singh told other accused to stop beating the complainant otherwise he will die. All these persons took him in their car to Civil Hospital, Sidhwan Bet where the complainant was admitted by his brother. After giving first aid and conducting medical examination, the doctor referred him to other hospital as there were greivous injuries on the person of the complainant. The complainant was admitted in DMC Hospital, Ludhiana and gave statement to the police. On this statement of the complainant Pawan Kumar, FIR No. 130 dated 29-07-2024 u/s 110, 117(2), 190, 191 and 351 BNS, 2023 was registered in PS Sidhwan Bet against the petitioner and other accused.”*

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. Counsel further 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 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.

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:

*“The role of the petitioner*

*The petitioner was member of the unlawful assembly. He gave dang blow on the right hand of the complainant. The petitioner along with other*

CRM-M-18779-2025

*accused took the complainant in a passage and have beaten him and then took the complainant in a car before accused Surinder Singh in another field and again beaten him there.”*

REASONING:

7. Injury attributed to petitioner is with dang on right hand of the victim, besides he was member of unlawful assembly. 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. Per paragraph 17 of the bail petition, the petitioner has been in custody since 19.02.2025. Per the custody certificate dated 02.07.2025 the petitioner’s total custody in this FIR is 04 months & 11 days.
9. 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.
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.
11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
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

CRM-M-18779-2025

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

CRM-M-18779-2025

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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, with the foundational condition being 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 shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

23. 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.

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

(ANOOP CHITKARA)  
JUDGE

29.07.2025

anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.