



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19844-2025
Date of Decision: 09.04.2025

Lakhwinder Pal @ Lucky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Sukhdev Singh, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
93	14.10.2023	Ladhuwal, District Ludhiana	323, 506, 336, 148, 149 IPC and 25/27 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court second time under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 11 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	87	06.10.2023	----	Ladhuwal, District Ludhiana

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

“Stated that I am a resident of the aforesaid address. On 30/09/23 at 10:15 PM I was sleeping with my family on the first floor of my house and when there was a hue cry I went outside my house and in the meanwhile my brother Rajinder Kumar @ Goga also came out in the gate. And then, from the front, Jaswinder Singh S/O Mangal Singh, Gurdayal Singh @ Boba S/O Mangal Singh, Mangal Singh S/O Moda Singh, Harpreet Singh @ Happy, Jagjit Singh @ Jaggi Saroaran Jaswinder Singh, Satpal Singh S/O Phli, Sandeep Singh, Ravi Suraan Satpal Singh, Sohan Lal S/O Bawa Ram, Lakhwinder Singh @ Lucky S/O Sohan Lal, Sethi S/O Sohan Lal, Pipal Singh S/O Murad Singh,



Shamo S/O Pipal Singh, Darshan Lal S/O Bawa Ram, Ashu S/O Darshan Lal, Surinder Kumar S/O Bajir Chand, Tashu S/O Surinder Kumar Vasian Village Fatehgarh Gujran Dist Ludhiana and 8/10 Unidentified Persons who all were holding bricks, stones, sharp weapons, datar, kirpans in their hands and were throwing bricks and stones towards me and that one brick block hit my forehead and Lakhwinder Singh @ Lucky fired about 03 shots from the pistol or revolver he was holding in his hand and Jaswinder Singh and Gurdayal Singh shouted and told nephews that we will show the result of fight and animosity to Surinder Kumar @ Neete today. And some of these boys also hit the gate of my house with kirpans which was closed. When me and my family cried out, these persons ran away from the spot with their weapons. The motive of the crime was that I have been the sarpanch of the village from 2008 to 2013 since then Gurdayal Singh is associated with the other party. They were bitter because of the defeat of the other party and because of which they attacked me and attacked my house and threatened to kill me. Till now there was a talk of compromise between us which did not reach a conclusion. Appropriate action should be taken against the aforesaid.”

4. Counsel for the petitioner further submits that he has no objection if any stringent condition is imposed while granting bail including surrender of fire arms within 15 days and restrict entry of petitioner in the property/work place of the victim and he shall not pressurize, induce, threaten the family members of the victim. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail on instructions.

REASONING

6. As per allegations against the petitioner are that he had fired three gun shot from his pistol. However, no specific injury has been attributed to the petitioner and given the undertaking by the counsel for the petitioner that he has no objection if any stringent condition is imposed upon the petitioner while granting bail including surrender of fire arms within 15 days and restrict entry of petitioner in the property/work place of the victim and he shall not pressurize, induce, threaten the family members of the victim, as such, he is entitled to bail.

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but



this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage.

9. 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.

CONDITIONS:

10. 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms. 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. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During



the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. 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.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, complainant 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 firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

16. 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."

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding



the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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 may 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

09.04.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.