

CRM-M-19977-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19977-2025
Date of Decision: 14.05.2025

Gurwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakshay Garg, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0130	29.07.2024	Sidhwan Bet, Police District Ludhiana Rural	110, 117(2), 190, 191, 351 BNS (Section 110 BNS deleted and 109, 118(1), 115(2), 324(2), 140(3) BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 21 of the bail petition, the accused 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 Pawan Kumar son of Buddha Ram, resident of village Sidhwan Bet. Tehsil Jagraon. District Ludhiana aged about 37 years mobile number 94643-68447 stated that I am residing at the said address alongwith my family. I have a vegetable shop in front of Sidhwan Bet Gurdwara. So, I also work as an agriculturist at village Abbupura. We have about 9 acres of land in village Abbupura, the



CRM-M-19977-2025

testament/will of which was registered by Surinder Kaur in favour of me on 14.02.2024. On 26.7.2024, the time will be around 10 o'clock in the morning, I received an information that three or four unknown boys are stealing the motor's wire etc. from my agricultural field at Abbupura. On receiving the information, I reached at yagricultural field along with my colleagues Daljit Singh son of Gurwinder Singh and Sohan Singh son of Jarnail Singh boarded on my own vehicle. After seeing us, they managed to run away from the spot. In this regard, we called have complained on 112. I started checking the motor barn in the field along with my colleagues. As soon as I saw that people started gathering outside the field, then I called SHO and DSP and narrated them. Meanwhile, Jagwinder Singh Kati, resident of Abbupura, along with three unidentified boys, entered my field with a tractor Sonalika and started ploughing my corn crop and in the meantime Gurjand Singh Janta son of Jaswant Singh alias Pappu resident of Malisha Bajan has opened fire on me with the rifle, which has passed by the side of my right shoulder, Gurwinder Singh Vicky son of Kuldeep Singh resident of Abbupura fired in the air with his revolver equipped in hand, then Jasvir Singh son of Jeet Singh equipped with Dang (stick), Amritpal Singh son of Gurmeet Singh, Gurmeet Singh son of Jagtar Singh. equipped with Dang (stick), Sarwan Singh Sarbo son of Vir Singh equipped with Dang (stick), Sonu son of Kewal Singh equipped with Dang (stick), Sukhdev Singh son of Guljar Singh equipped with Dang (stick), Gurwinder Singh Vicky Son of Gurmeet Singh equipped with Revolver, Jaganpreet Singh Babbu son of Kuldeep Singh equipped with spade handle, Daini son of Sher Singh equipped with spade handle, Kali son of Shera equipped with dang (Stick). Harminder Singh alias Gorkha son of Kishan Singh equipped with Dang(stick), Abhijeet Kanda son of Vinod Kumar, Jaswant Singh son of Dev Singh, lakhvir Singh Lakhi son of Geji, Darshan Singh son of Jang Singh, Surinder Singh son of Lachman Singh, Gubaksh Singh son of Sher Singh, Amarjit Singh son of Sher Singh, all equipped with the Dang Sote (Stick) and other 20-25 unknown people whom I can recognise if comes face to face. On subsequently coming to the agricultural field all has surrounded me. Abhijeet Kanda in defiance told to teach me the lesson today. When the aforesaid person started beating and hitting me then Abhijeet Kanda has started making the video of the quarrel/fighting on his mobile phone, then Amritpal Singh alias Amba has attacked on my head with the Dang (stick) with the intention to kill me and to save myself, I have extended my right hand due to which the hit of Dang (stick) was struck at my right hand and then Harminder Singh Gorkha has attacked with the Dang towards me, which hit on my right hand then Gurmeet Singh son of Sukhwinder Singh attacked on my head which hit on my right hand and then Gurmeet Singh son of Sukhwinder Singh hit with the dang on my back, then Dainy son of Shera Singh has attacked several times on my back, while I was laying fallen. Aforesaid all the person/people have attacked repeatedly many my leg, arms and pelvic, while I was laying fallen and times on has thrown me half dead state. For 10 to 15 minutes the



CRM-M-19977-2025

above persons kept beating me and slapping me and beating me with the slippers and the accused has made the video of this incident viral. Then Gurmeet Singh son of Sukhwinder Singh, Gurjant Singh Janta son of Jaswant Singh, Sukhdev Singh Gullu son of Guljar Singh, Amritpal Singh Amba, dragged me to the farm passage/ path and beat me up. Meanwhile my brother Satish Kumar reached at the field and all these have abused my brother Satish Kumar and punched him and caught him. Gurmeet Singh son of Sukhwinder Singh, Gurjant Singh Janta, Sukhdev Singh Gullu picked me up and threw me in my car and Gurmeet Singh drove and took me to another farm where Surinder Singh son of Darshan Singh, Puneet Singh son of Surinder Singh, Amitjot Singh son of Surinder Singh, Parminder Singh Sari son of Avtar Singh, Ruby son of Jinderpal Singh Rajesh Kumar son of Vijay Kumar were present where Gurmeet Singh said to Surinder Singh that "SARKAR JI" (your highness) here is the men laying if you approval shall we finish him. They all have beaten me, Puneet Singh, Amitjot Singh, Rajesh Kumar has kicked and punched me, Surinder Singh said, "Just stop it now otherwise he will die. All the above people on subsequently putting me in the car has brought me to Sidhwan Bet Hospital, where my brother Satish Kumar admitted me to sidhwan Bet Hospital, where after first aid, the doctor referred me to DMC Ludhiana due to severe injuries. I got my statement recorded to you in the presence of my brother Satish Kumar, it was read out and it is correct. Justice should be given to me by taking legal action. Sd/ Pawan Kumar."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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:

"The petitioner was member of unlawful assembly and he fired in air from his revolver."

7. The only allegation against the petitioner was that he fired in air which shows his intention. There were several accused persons who participated and only one victim was there. Given the role attributed to the petitioner, no case to deny bail is made out. Moreover, petitioner is a first offender and this Court wants to afford him one opportunity to course correct.

8. 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-

CRM-M-19977-2025

trial incarceration.

9. 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.

10. 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.

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.

CONDITIONS:

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 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.

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. 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.



CRM-M-19977-2025

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 (CrL.) 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, 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 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.

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. 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



CRM-M-19977-2025

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.

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 may 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

14.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.