



CRM-M-20773-2025

enter this land in future, we will not let you go dry and enter this land after thinking about this. They left the land threateningly by saying these words. Today I, my uncle Gurmeet Singh, my aunt Paramjit Kaur and my aunt Kuljeet Kaur W/o Makhtoor Singh resident of Shamsa Bhatti Sirsa and my uncle's friend Princepal Singh S/o Malik Dutta resident of Dhani 400 Sirsa had come to visit the land at village Mandi Khurd, where we were cutting down the white Safeda trees in the land by organizing the labor, then it was around 12.40 a.m. then from the side of village of Kuttiwal, a white Bolero car and three motorcycles with two persons on each were seen coming who were carrying Handpump handles, Gandasis, Rods and Swords and six seven persons came out of Bolero Car who immediately after coming out started beating my aunts Paramjit Kaur and Kuljit Kaur with their weapons, so I and my uncle Gurmeet Singh and Princepal who were standing in the field nearby, we ran to rescue them and saw that among these people Jaswinder Singh S/O Mukand Singh who was holding a rod, his son Jagmohan Singh who had a sword residents of Mandi Khurd and Jaswinder Singh's brother in law resident of Rampura who had a handpump handle, then in front of us, Jaswinder Singh hit my aunt Paramjit Kaur with the rod he was holding in his hand with force, and the other persons also caused many injuries with their weapons. While we were rescuing, Jagmohan Singh with his sword hit my uncle Gurmeet Singh with sharp side above his left eye and Jaswinder Singh hit many times with his rod on both legs below the knees and my uncle fell on the ground, then Jaswinder Singh and his son Jagmohan Singh and the rest of their companions caused injuries with their weapons with the intention to kill and my aunt Paramjit Kaur was also seriously injured in the head and other parts of the body with the intention to kill. After hearing the noise Nirmal Singh S/O Gurcharan Singh, Balwant Singh S/O Mukhtiar Singh and Balkar Singh S/O Harbans Singh came and they and us shouted don't kill don't kill and while they were going caused injuries with weapons to Balkar Singh resident of Mandi Khurd. This fight is a result of conspiracy and connivance of Boota Singh former Panch resident of Mandi Khurd. Boota Singh has complete involvement in this fight. After the fight all these persons along with their weapons on motorcycles and Bolero car whose number was PB 03 BE 0651 was read and fled towards Kuttiwal village. I and Princepal, Nirmal Singh and Balwant Singh put Gurmeet Singh, Paramjit Kaur, Kuljit Kaur and Balkar Singh in the vehicles and admitted them to the Government Hospital Bathinda where during the treatment my uncle Gurmeet Singh died due to serious injuries. My aunts Paramjit Kaur and Kuljit Kaur were referred to better hospital for treatment. The said person in conspiracy with each other and with weapons caused serious injuries with intention to kill in which Gurmeet Singh died during treatment. My aunt Paramjit Kaur was seriously injured with the intention to kill and Kuljit Kaur and Balkar Singh were badly injured. Cause of enmity is that my uncle Gurmeet Singh had purchased land at village Mandi Khurd which Jaswinder Singh and his son Jagmohan Singh wanted to occupy this land by force. My



CRM-M-20773-2025

uncle Gurmeet Singh and the rest of the family, were opposed to it. Because of this enmity, all these persons have after conspiring have caused serious injuries and killed Gurmeet Singh by causing injuries. Strict legal action should be taken against them. Statement has been recorded and the same is correct. Thereafter stated that Paramjit Kaur wife of Jaswinder Singh also has a full hand who was also involved in the conspiracy and fight. Written statement is correct. Action should be taken. SD Jarman Singh.”

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. Counsel for the petitioner submits that the petitioner was declared innocent during investigation. However, on an application filed by prosecution under Section 358 BNSS/319 CrPC, he was summoned as an additional accused vide order dated 28.01.2025. He further submits that petitioner is ready to join trial.

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:

“As per record, on the statement of complainant Jarman Singh to the effect that the accused/petitioner Boota Singh was having prime role in the occurrence as such he was nominated as accused earlier and then during investigation, he was declared innocent. However, now the learned trial Court had summoned him to face trial being additional accused.”

7. Petitioner was declared innocent and now summoned to face trial, as such two views are there as such, no purpose would be served by detaining the petitioner behind the bars.

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-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner declared innocent during investigation and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

CRM-M-20773-2025

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail 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 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.

13. The petitioner is directed to surrender before the trial Court on or before 25.05.2025 and he shall attend the trial on each and every date.

14. Given the background of allegations against the petitioner, it becomes paramount to protect 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 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.

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



CRM-M-20773-2025

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. 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.

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

14.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.