

CRM-M-22493-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22493-2025
Reserved on: 08.07.2025
Pronounced on: 24.07.2025

Aman Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	18.02.2021	City Nakodar, District Jalandhar Rural	323, 324, 341, 34 IPC (Sections 307, 325 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. Per paragraph 19 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That FIR No. 27 dated 18.02.2021 U/s 307, 323, 324, 325, 341, 34, 201 IPC (offence punishable U/s 307, 325, 201 IPC added later on) was registered at Police Station: City Nakodar, District Jalandhar (Rural) on the basis of the statement given by complainant namely Vishal (son of Surinder Pal) wherein he stated that he is doing private job at Chopra Furniture House, Railway Road, Nakodar. On 13.02.2021 at about 9.00 am, he was going to his workplace and when he reached near Sewa Kender, Mohalla Gaus, three persons, with muffled faces, were sitting on a platform. On seeing complainant, they got up and stopped him. One of the unknown persons, who was empty handed caught complainant from his arms. The other one, armed with Gandasi, asked complainant his name. The last one, armed with Khanda (petitioner as per supplementary

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statement of complainant) gave four blows upon complainant on his left wrist and left hand. Then the unknown person who was empty handed pushed the complainant as a result of which he fell down. When the complainant was lying on the ground, the unknown person armed with gandasi gave gandasi blows upon complainant's right ear, forehead, backside of head as a result of which the complainant started bleeding profusely. On seeing people gathering, the assailants fled from the spot along with their respective weapons. Hence, instant case FIR was registered against unknown persons initially U/s 323, 324, 341, 34 IPC."

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 petitioner's counsel 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 Special Judge or Sessions 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.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That the petitioner was nominated as an accused on the basis of supplementary statement suffered by complainant where he stated that the petitioner was armed with khanda and he gave a khanda blow upon the head of complainant with an intention to kill. The petitioner was arrested on 06.11.2024 and during interrogation, on 08.11.2024, the petitioner suffered a disclosure statement wherein he disclosed that on 13.02.2021, he had inflicted khanda blows upon complainant's head above left ear, little finger of left hand and other body parts. The petitioner further disclosed that khanda used by him in the commission of offence was thrown by him in the water body on 14.02.2021."

REASONING:

8. Perusal of the FIR reveals that the victim had explicitly stated that three accused whose faces were covered, had attacked him and at that time, he was unaware of their identities. During the investigation, the victim was able to identify the petitioner as the person who was carrying khanda. In the FIR it was explicitly mentioned that the person

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who was holding khanda had attacked on the ear and other portion of the body. It would be appropriate to extract following portion of the reply, which reads as under:-

“17. That the petitioner was armed with khanda and he has been attributed khanda blows upon complainant’s head above left ear, little finger of left hand and right hand. The said injuries were declared to be simple in nature.”

9. Injury attributed to the petitioner are simple in nature, which makes him entitled to bail, however, 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.

10. Per paragraph 16 of the bail petition, the petitioner has been in custody since 06.11.2024. Per the custody certificate dated 07.07.2025, the petitioner’s total custody in this FIR is 07 months & 29 days.

11. 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 further pre-trial incarceration at this stage.

12. 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.

13. 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.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. 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

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Court.

17. 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.

18. 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.

19. 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."

20. 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.

21. 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

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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.

22. 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.

23. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions 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.

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

25. 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.

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

(ANOOP CHITKARA)
JUDGE

24.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.