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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26201-2024

Date of Decision: 12.05.2025

Harman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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

Mr. J.K. Singla, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
144	11.08.2022	Bhikhi, District Mansa	302, 450, 323, 148, 149, 506 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

"Copy of statement, statement Jarnail Kaur wife of Kala Singh son of Mahila Singh, resident of Samao aged about 50 years, Mobile No. 80544-xxxxx, 98720-xxxxx, States that I am resident of above said address and doing the work of labour. I have three children eldest daughter is Swarandeep Kaur and younger to her son Jashandeep Singh and the youngest son Shunty Singh aged about 18 years. My daughter Swarandeep Kaur is married at Lehra Ghagga and due to Rakhi festival had came to us had several days due to which her husband Gursewak Singh son of Mithu Singh, resident of Lahira Ghagga had also came to our house and ata about 08.00 PM then my son Shunty Singh went the village shop for bringing cold drink and I was standing at the gate of my house and the lights of the house were



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glowing in the street when my son Shunty Singh near the House of Bhola Singh then in the street Rura Singh son of Bhola Singh, Tari Singh son of Bhola Singh, Balwinder Singh son of Pritam Singh, Bhola Singh son of Sukhdev Singh, Harman Singh son of Ram Singh, Ram Singh son of Sukhdev Singh, residents of Samau and Bhol la Singh son in law the name I do not know were standing then Tarisingh struck into my son Shunty Singh on which my son said that why are you striking without any reason then all these persons started altercating with him and my son Shunty Singh by running came inside our house and all these persons along with them Laddi Singh son of Baldev Singh resident of Samau was also there and by taking weapons from the house of Bhola Singh forcibly came in our house then Harman Singh and Ram Singh caught hold my son Shuntyr Singh from hair and Balwinder Singh caught hold Shunty Singh from his arms on which tari Singh gave to dasti kirch blows on the right side of the chest of my son Shunty Singh same place two time and due to which in our house situation became serious and my son in law Gursewak Singh and nephew Dilpreet Singh tried to rescue him then Rura Singh gave dasti kirch blow on the jaw right side of my son in law Gursewak Singh, Laddi Singh gave dasti kirch blow on the right side of the chest and on the bicep on the Dilpreet, Bhola Singh gave dasti kirch blow on the left bicep front of side of Dilpreet Singh and their son in law gave dasti kirch on the backside of the bicep of Dilpreet Singh and all these persons collectively abused us and also stopped us from lifting the injured and when situation became grim then all these persons by giving threatening ran away from the spot with their respective weapons. At that time electricity blub were glowing in our house then after arranging the vehicle we got admitted my son Shunty Singh Gursewak Singh and Dilpreet Singh to civil hospital Bhikki where doctor opined my son Shunty Singh declared dead and my son in law and my nephew Dilpreet Singh is under Rura treatment, Singh Bhag Singh, Balwinder Singh, Bhola Singh, Harman Singh, Ram Singh, Laddi Singh and Bhola Singh's Bon in law with common intention had given injuries and had murdered my son Shunty Singh and further injured my son in law Gursewak Singh and my nephew Dilpreet Singh motive is that my son Shunty Singh had altercation with them while returning from the shop due to which they have done this occurrence. Legal action be taken against them. Statement given heard correct. Sd/-Jarnail Kaur.”

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 State's counsel opposes bail.
6. Counsel for the petitioner submits that the petitioner was declared innocent during investigation and was released from jail and was put in column no.2 of the challan. However, on an application filed by prosecution under Section 319 CrPC, he was



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summoned as an additional accused vide order dated 07.07.2023. Thereafter, he filed CRM-M No.37400 of 2023 which was withdrawn with liberty to surrender within 07 days and he surrendered within 07 days.

7. 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 the custody certificate dated 10.12.2024, the petitioner’s total custody in this FIR is 10 months and 08 days and as on date, the petitioner’s total custody would be around 01 year and 03 months.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, petitioner already declared innocent during investigation 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. 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.

12. 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)	

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

14. 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.



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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, 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.

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. 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.



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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

12.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.