

CRM-M-27089-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27089-2025
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Gurpreet Singh alias Goldy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
23	24.04.2024	Tibber, District Gurdaspur, Punjab	302, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents, however as per custody certificate dated 08.07.2025, petitioner has the following criminal history:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	146	17.11.2021	21C-61-85 of NDPS Act	Sadar Gurdaspur

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That it is humbly submitted that the brief facts of the case are that the Complainant Nagwant Singh was got recorded his statement to SI Amrit Pal Singh, SHO Police Station Tibber on 24.04.2024 that his son Jashanpreet Singh who lived in. Canada, had come to India 5 months earlier. That on 22.04.2024 at about 2.00 PM his son Jashanpreet Singh left the house, saying that his friend, who lives in Gurdaspur, was having birthday and he was going there. At 5.00 PM in the evening his son called to say that he had reached the function. At 6.30 in the evening he tried to call his son again, but his phone was switched off. After that, we started

CRM-M-27089-2025

looking for his son, and later he came to know that the police found a dead body of an unknown person. We saw the photograph. The dead body was of his son namely Jashanpret Singh. He is sure that Gurpreet Singh @ Goldy (petitioner) son of Harjinder Singh resident of Sarai along with other unknown person killed his son by giving him poisonous substance. Hence, a case FIR No. 23 dated 24.04.2024 under section 302 and 34 of IPC at Police Station Tibber was registered against the petitioner namely Gurpreet Singh @ Goldy and one unknown person."

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. Counsel further 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 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.

REASONING:

5. Perusal of the file shows that as per the PMR of the deceased, no poisonous substance was found in his body. It would be relevant to refer to following portion of the reply, which reads as follows:-

"A) Medico-Legal Certificate/PMR of the deceased

It is submitted that as per PMR and opinion of Board of Doctors that " After going through the Chemical Examiner report, from Kharar vide number 2312 dated 27.6.2024 the result was as follows no poison detected in exhibits 1,2,3,4,5 and 6 moreover as per report received from Department of pathology GMC, Amritsar vide number 1025 dated 18.09.2024 which shows the left ventricle thickness 1.3 CM weight of the heart 390 gram on microscopic examination 'shows coronary artery mild Atherosclerotic changes seen. Lumen of both arteries is patent. Hence the cause of death in this case in our opinion is sudden cardiac arrest which is sufficient to cause of death in order a course of nature."

B) Weapon(s) used: No Weapons were used in this case.

C) Weapon and injuries attributed to the petitioner: None

D) The evidence based on which the petitioner was arraigned as an accused."

6. Given above, this Court finds no direct evidence against the petitioner, therefore

CRM-M-27089-2025

pre-trial incarceration should not be a replica of post-conviction sentencing.

7. Per paragraph 10 of the bail petition, the petitioner has been in custody since 25.04.2025. Per the custody certificate dated 08.07.2025, the petitioner’s total custody in this FIR is 01 year, 02 months &10 days.
8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, opinion of Board of Doctors and the other factors peculiar to this case, there would be no justifiability for further 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.
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 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.
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 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.
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.

CRM-M-27089-2025

15. 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.

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. 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.

18. 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.

19. 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, the State shall file an application to revoke this bail before the concerned 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.

CRM-M-27089-2025

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

31.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.