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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27422-2025
Date of Decision: 19.05.2025

Kehar Puri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narinder Kumar Vadehra, Advocate
for the petitioner.

Ms. Navreet K. Barnala, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	06.02.2021	Julka, District Patiala	302, 34, 201 IPC

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 the bail application, the petitioner is silent about criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“At this moment a statement of Gurjit Singh son of Raj Kumar, resident of Village Shekhupura, P.S. Julkan, District Patiala. Written SHO Harmanpreet Singh 230/PR, P.S. Julkan for registration of FIR against Kehar Puri son of Ajmer Puri, Kehar Gir son of Ratna residents of Village Shekhupur and Harjit Singh, Gursewak Singh sons of Pala Ram, Rekha Rani wife of Harjit Singh, Aman wife of Gursewak Singh, residents of Sadhu Nagar P.S. Julkan, u/s 302, 148, 149 (PC through PHG Jasmer Singh 18116 has been received at the police station. The contents of which are as following "Statement of Surjeet Singh son of Raj Kumar resident of Village Shekhupur, aged about 25 years Mb. No. 98555-86820 stated that I am resident of above address and work in EXCEL Compariy. We are three brothers and sister. Yesterday on 05.02.2021 at about 11:00 A.M. my father Raj Kumar had gone to water our fields in village Sadhu Nagar. At about 5:00 P.M. I was at home, I received a phone call who said that



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Kehar Puri son of Ajmer Puri, Kehar Gir son of Ratna residents of Village Shekhupur and Harjit Singh, Gursewak Singh sons of Pala Ram, Rekha Rani wife of Harjit Singh, Aman wife of Gursewak Singh, residents of Sadhu Nagar are giving beatings to your father. On which me and my brother Vicky Singh reached the spot and saw that my father has been thrown down in our land near the home of Gursewak Singh and Rekha Rani has a brick in her hand and Kehar Gir had caught hold of testicles of my father, KeharPuri, Harjit Singh, Gursewak Singh, Aman were giving him fist blows. When we raised alarm the said persons, the said man and women ran away living my father behind. Thereafter me and my brother saw that our father Raj Kumar was bleeding from head. We arranged for the car and took our father to R. H. Patiala for treatment, where doctor Sahib told us that your father has died. Reason behind the grudge is that there is often a dispute with them due to our land and acacia trees due to which said persons and ladies gave injuries to my father and killed him. Necessary legal action may be taken against the said persons. Statement has been got recorded to you, which has been heard and the same is correct. Sd/- Surjeet 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 10.01.2025. He further submits that petitioner is ready to join trial.

5. The State's counsel opposes bail on instructions.

6. 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.

7. 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.

8. 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.

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9. 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.

10. 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)	

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

12. 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.

13. 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.

14. 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



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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.”

15. 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.

16. 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.

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

19.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.