

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-30991-2025  
Reserved on: 08.07.2025  
Pronounced on: 31.07.2025

Jaggu Singh @ Jagseer Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karanjeet Singh Brar, Advocate  
for the petitioner.

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

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station               | Sections                     |
|---------|------------|------------------------------|------------------------------|
| 36      | 28.04.2025 | Sangat, District<br>Bathinda | 109, 115(2), 190, 191(3) BNS |

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. Per paragraph 15 of the bail application, the petitioner has the following criminal antecedents:

| Sr. No. | FIR No. | Date | Offenses                    | Police Station |
|---------|---------|------|-----------------------------|----------------|
| 1.      | 37/2023 | -    | 452, 427, 323, 148, 149 IPC | Sangat         |

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

*“Statement of Jagjit Singh alias Gaggi alias Gada son of Gurmel Singh son of Kaka Singh Resident of Kuti Kisanpura Police Station Sangat District Bathinda Age about 32 years Mo: No: 78789-xxxxx Stated that I am resident of the above said address and working as a farmer. On 27-04-2025 at around 07.00 in the evening, I am going to home on walk from the station. When I reached near the house of Mewa Singh Member, the son of Shivraj of my village unknown armed with iron pipe, Nehru Singh's son unknown armed with stick, Rugha Singh's younger son unknown armed with iron pipe, Jaggu Singh son of Paukhar Singh armed with stick, Chitti son of Lalu Singh armed with baseball residents of Kuti Kishanpura were standing on the motorcycle near the bench. On seeing me, Rugha*

*Singh's younger son raised an lalkara that today Gadha should not be saved. All the acquaintances attacked me with the intention of kill me. The son of Shivraj hit me on my head with an iron pipe with the intention of kill me. Rugha Singh's son hit me on my right leg with iron pipe and all the persons gave injuries to me with the intention to kill me. I rescued myself and entered to the house of the Mewa Singh member and on hearing the cry of his family, they all ran away on their motorcycles with their weapons. The reason for rivalry is that all these boys are addicted to intoxicant. I had stopped them several times from intoxication. Under this rivalry, they inflicted injuries with intention to kill. Please take appropriate legal action against them. I have recorded my statement, read over and same is correct. LTI Jagjit Singh alias Gaggi alias Gada.”*

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

*“10. WEAPON(S) USED (BY THE ACCUSED)*

| <i>Sr. No.</i> | <i>Accused Name</i>                             | <i>Weapon used</i>                                   |
|----------------|-------------------------------------------------|------------------------------------------------------|
| <i>1.</i>      | <i>Jaggu Singh @ Jagseer Singh (petitioner)</i> | <i>Stick</i>                                         |
| <i>2.</i>      | <i>Khushpreet Singh @ Harman Singh</i>          | <i>Iron rod attached with tracing wheel (garari)</i> |
| <i>3.</i>      | <i>Lovepreet Singh @ Chitti</i>                 | <i>Baseball bat</i>                                  |
| <i>4.</i>      | <i>Ranbir Singh @ Ranu</i>                      | <i>Iron rod attached with tracing wheel (garari)</i> |
| <i>5.</i>      | <i>Amandeep Singh @ Meena</i>                   | <i>Stick</i>                                         |

*“11. WEAPON AND INJURIES ATTRIBUTED TO THE PETITIONER*

| <i>Sr. No.</i> | <i>Weapon used by the petitioner</i> | <i>Injury attributed</i>                                          |
|----------------|--------------------------------------|-------------------------------------------------------------------|
| <i>1.</i>      | <i>Stick</i>                         | <i>No specific injury is attributed to the accused-petitioner</i> |

*THE EVIDENCE BASED ON WHICH THE PETITIONER WAS  
ARRAIGNED AS AN ACCUSED:*

*12.The accused-petitioner was arraigned as accused based on the statement of the complainant as to that inflicted the accused-petitioner had injuries upon the complainant with his stick in connivance with co-accused.*

*THE ROLE OF THE PETITIONER:*

*13.That on 27.04.2025, at about 7 PM, the accused-petitioner while being armed with a stick had attacked the complainant in connivance with the co-accused and inflicted injuries upon the complainant in connivance with each other. During the course of investigation, it was found that with the intention of destroying the evidence, the accused-petitioner and the co-accused had disposed of the case property weapons used by him at the time of occurrence. Therefore, Section 238 BNS was enhanced vide DDR No.6 dated 28.06.2025.”*

REASONING:

8. As per paragraph 10 of the status report, petitioner Jaggu Singh was holding a stick and no injury was attributed to him. Petitioner is a first offender and considering the nature of allegations and the fact that no specific injuries attributed to him coupled with the undertaking given by his counsel that he would course correct and would not repeat the offence and in case he does so, his bail will be cancelled for such reasons, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

9. 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.

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

11. 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.

12. 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 Arresting Officer, and if the matter is before a Court, then 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.

13. 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)                                                                                                             |  |

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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, 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 of the uploading of this order on the official webpage of this Court 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.

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. 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.

19. 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.

20. 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.

**21. 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.**

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

23. 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

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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.

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

(ANOOP CHITKARA)  
JUDGE

31.07.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.