

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34389-2024
Reserved on: 19.03.2025
Pronounced on: 28.03.2025

Prince ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepinder Singh Virk, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Ramandeep Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
191	15.11.2023	Civil Lines, Patiala	302, 324, 506, 148, 149, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC/ 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.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“That the brief facts of the case are that above noted case FIR No.191 dated 15.11.2023, under sections 302,324, 506, 148, 149, 34 IPC at Police Station Civil Lines, Patiala was registered against the present petitioner as well as against Ankit son of Kala, Kirna wife of Kala and Ajay son of Ramesh Kumar, on the basis of a statement of Ajay Kumar son of Pritam Chand (complainant), in which he stated that on 15.11.2023, at about 7.30 PM, the complainant and his family were present in their house. Then Prince son of Chhinda (present petitioner), Ankit son of Kala, Kirna wife of Kala and Ajay @ Khurpa son of Ramesh Kumar were quarreling outside the house of the complainant at Passey Road with Jatin son of Sandeep Kumar,

Ishu son of Inder and Sheetal son of Bunty. Then Jatin telephonically informed Deepak younger brother of the complainant that Ankit son of Kala, Kirna wife of Kala, Prince (present petitioner), Ajay @ Khurpa son of Ramesh Kumar along with two persons are quarreling with them without any reason. Then the complainant along with his father Pritam Chand and his younger brother Deepak came at the spot to rescue Jatin & others, then Ankit, Vishal, Prince (present petitioner), Ajay @ Khurpa were giving beatings to Jatin son of Sandeep Kumar and Jatin was made injured. When the complainant & others tried to intervene, Ankit gave a blow of knife (Chura) held in his hand on Pritam Chand father of the complainant and Prince (present petitioner) gave a blow of knife (Chura) on the left bicep of the complainant and Kirna gave a blow of brick held in her right hand on the shoulder of Deepak brother of complainant and two unknown persons who hold fruit cart gave beatings to the complainant and others with stick. Pritam Chand father of the complainant fell down on account of sustaining numerous injuries and the complainant and others raised hue and cry. Then the petitioner and others fled away from the spot along with their weapons while giving threats to the complainant and others. The complainant and his family after arranging an E-Rickshaw took Pritam Chand (father of complainant) to Govt. Rajindra Hospital, Patiala, where the doctor has declared Pritam Chand as dead. The entire incident has been eye witnessed by the complainant and his brother Deepak. The complainant mentioned the grudge behind the attack that about 02 months ago, there was a bickering took place between the complainant party and Ankit etc. which was resolved by the residents of vicinity with the intervention, but Ankit & others were nourishing grudge of the same. Due to this reason, they have committed murdered of Pritam Chand father of the complainant by inflicting injuries. Thus, on the basis of the statement of the complainant, above noted FIR has been registered against the petitioner and others.”

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

“13. That the present petitioner has committed a heinous offence as the petitioner in connivance with other accused has committed a gruesome murder of Pritam Chand by using sharp weapons in a dreadful manner and even the recovery of blood stained weapon (Kirch) has been affected at the behest of the petitioner. Thus, the petitioner is not entitled to the relief of regular bail.”

7. Although the petitioner was present at the spot but the only injury attributed to the petitioner is on the bicep of injured/complainant and not on the body of deceased/victim, Pritam Chand.

8. 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.

9. Per paragraph 10 of the bail petition, the petitioner has been in custody since 20.11.2023.

10. 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 for further 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 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.

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

15. 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.

16. 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.

17. 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.

18. 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."

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. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.