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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33804-2025

Date of decision: 10.07.2025

GURDEEP SINGH ALIAS GAURI ALIAS
SUKHDEEP SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pradeep Kumar Kapila, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
78	28.05.2023	Rori, District Sirsa	190/191(2)/191(3)/ 333/351(3)/126/118(1)/ 115/109(1) of BNS, 2023

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 11 of the bail petition and reply, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"Statement of Satnam Singh S/O Gurtej Singh @ Teja Singh R/o Ward No. 8 Milkhi Pati Rori, aged 26 years 8684004150 Stated that I am a resident of the above address and doing work of operating DJ. We are two brothers and one we have one sister. My sister Ramandeep Kaur is married. I and my brother Satpal Singh are married. On 26/5/2025 at about 9PM to 9.30 PM in night, I and my friend Harpal Singh resident of Rori were going from my house to the house of Harpal Singh and when we both reached in the street near Scheduled Caste Chaupal, Kaka Singh @ Pandi whose father's name I do not know, along with his son Manjeet Singh @ Kana, Ranjit Singh @ Mani sons of Kaka Singh @ Pandi, Kuljeet Singh S/o Kulwant Singh, Arshdeep Singh @ Arsi S/o Jassa Singh, Bans S/o Lila Singh and Gurdeep Singh @ Gori S/o Bhola Singh residents of Rori were standing in the street near his house. Manjeet Singh @ Kana was holding sword in his hand, Ranjeet Singh @ Mani holding iron Kapa in his hand, Kaka Singh @ Pandi



holding Kasia in his hand, Kuljeet Singh S/o Kulwant Singh holding Kirpan in hand, Arshdeep Singh @ Arsi s/o Jassa Singh holding Kapa in his hand, Bans S/o Lila Singh holding Iron Rod in his hand and Gauri @ Gurdeep Singh s/o Bhola Singh was empty hand. Kaka Singh @ Pandi stated that Satnam Singh has come for whom we were waiting for and on saying this, Manjeet Singh @ Kana with intent to kill me, hit my head with the sword in his hand and in order to save me, I raised my right hand and the sword hit the right hand wrist and Ranjeet Singh @ Mani with intent to kill me hit the iron Kapa held by him on my head and in order to save myself, I raised my left hand, which Kapa hit my left hand wrist, Kuljeet Singh son of Kulwant Singh, with intent to kill me hit my head with the Kirpan in hand and I raised my left hand to save me, which Kirpan hit my left hand. I tried to flew away from the spot and then Gurdeep Singh @ Gauri blocked my way and Kaka Singh @ Pandi, hit my left shoulder with the Kasia in his hand and Bans S/o Lila Singh hit me with the iron rod in his hand, which hit me on my left hand thick muscle. I ran away from there and entered in the general goods shop of Mange Ram S/o Lal Chand resident of Rori and entered into his house and Manjeet Singh @ Kana, Ranjeet Singh @ Mani, Kaka Singh @ Pandi, Kuljeet Singh, Arshdeep Singh @Arsi, Bans Singh S/o Lila Singh and Gauri Singh @ Gurdeep Singh along with their arms entered into the house of Mange Ram and Kaka Singh @ Pandi loudly stated today you enter anywhere, you will not be left alive and will kill you. On such saying, Arshdeep Singh @ Arsi hit my head with the Kapa in his hand and in my defence I raised my right hand which hit on my right hand and all aforesaid persons hit me with legs, fist blows, slaps and in order to rescue me, house owner Mange Ram came there and Mange Ram also suffered injuries. My friend Harpal Singh fled away from the spot in order to save his life. I raised the alarm Maar Diya-Maar Diya and then all aforesaid persons along with their weapons fled away from the spot while giving me threat to my life."

4. The petitioner counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/work place, residence of the victim and he will not pressurize, induce, threaten the victim or his family members. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the petitioner has been falsely implicated in the present case and no injury has been attributed to the petitioner.

5. State counsel opposes the bail by referring reply and submits that they be given right to file cancellation of bail, in case, petitioner repeats the offence.



REASONING:

6. As per the statement of the victim/injured, the petitioner was empty handed at the time of said occurrence. Since, no injury attributed to him, as such, there is no justification to deny bail. 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.
7. 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, subject to the compliance of terms and conditions mentioned in this order. 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.
8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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.
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 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.

13. 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.

14. 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.

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

16. 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.

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

10.07.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No