

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

CRM-M-35326-2025
Reserved on: 03.09.2025
Pronounced on: 12.09.2025

Gurdas Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Atul Gaur, A.A.G., Haryana.

Mr. Nitin Sachdeva, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
175	10.06.2025	Sadar Dabwali, District Sirsa	109, 190, 191(2), 115(2), 126(2), 351(2) BNS and 27/54 of Arms Act

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

“Stated that I have 10 acres land in village Abubshahar Land is adjacent to Darshan Singh son of Kaur Singh, resident of Abubshahar. Final measurement of our land has been done on dated 02.05.2025. At that time Darshan Singh was also present on the spot. After measurement of the land, permanent stones were installed in the land. Today on dated 10.06.2025 at about 10/11 AM as per the demarcation of the measurement, my maternal uncle Parvinder Singh S/o Hardeep Singh, resident of village Jhanda Kala, Gurpreet Singh S/o Buta Singh, resident of Abbubshahar, my cousin Sahibjit Singh S/o Subeg Singh and my father Anokh Singh were present in the field for the purpose of installing permanent stones. On the other side, in their

field, Darshan Singh, his son Navinder Singh, Gurdas Singh, Raja Singh Sio Gurcharan Singh and 7/8 other persons gathered at there. Navinder and Gurdas told to their father to shoot them and at that time Darshan Singh took out his licensed revolver and fired gun shots at me, with the intention to kill me, which hits on my right thigh. My maternal uncle Parvinder was trying to save me. Darshan Singh also fired shots at my maternal uncle Parvinder Singh. All the persons accompanied with Darshan Singh committed attack on us, with sticks, slaps and punches. I fell down on the ground and Darshan Singh alongwith his sons and other accompanying accomplices have done firing and given beating with intention to kill us and then ran away from the spot.”

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 further submits that the matter stands compromised between the parties and handed over a compromise deed which is taken on record.

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. Counsel for the complainant submits that initially, there was no compromise, but now the parties have settled their dispute and they have no objection if petitioner is granted bail.

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

“18 That as such, the petitioner alongwith his co-accused have committed the deadly attack upon the complainant party and with their common intention fired shot on them. Petitioner has instigated his father for firing the shot and on his instigation, Kaur Singh fired shot on the complainant party, therefore the petitioner is not entitled for the concession of pre-arrest bail to him.”

9. Allegation against the petitioner is that he was present and actively participated in the occurrence and instigated his father for firing shot upon the complainant. However, petitioner was armed with danda and he was visible in CCTV footage. The weapon used by the petitioner in the occurrence has already been recovered, as such no ground is made

out to deny him bail. Moreover, no specific injury has been attributed to the petitioner and fire arm injury is attributed to co-accused Kaur Singh which is serious in nature. Since the parties have settled their dispute, as such, petitioner is entitled to bail.

10. 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.

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

12. 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.

13. 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.

14. 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)	

15. 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.

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 (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

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 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

12.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.