

CRM-M-35784-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-35784-2025  
Reserved on: 01.09.2025  
Pronounced on: 29.09.2025

Sajan Singh @ Sajan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldip Singh, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                | Sections                                        |
|---------|------------|-------------------------------|-------------------------------------------------|
| 125     | 07.11.2024 | Vairo Ke, District<br>Fazilka | 333, 115(2), 191(3), 190,<br>324(4) 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. In paragraph 13 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“4. That the brief facts of the case are as under:  
That the present FIR was registered on the statement of complainant Manjit Singh son of Moja Singh wherein it was stated by the that two days prior to the complainant Diwali festival, Baljinder Singh companions he stopped his and from roaming two accused other in the street without any reason on which Baljinder Singh and his companions asked who is he to stop them and kept grudge of the same. On 01.11.2024, on the night of Diwali festival at about 9:30 PM, the complainant alongwith his family was coming after having walk in village, on the way near his house, the Petitioner Sajan Singh and Baljinder Singh met on motorcycle No. PB22G 8043 and started arguing with him. Complainant was taken to his house*

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*by his brother and family. They bolted the gate of their house. Parmatma Singh @ Bobby armed with kapa, Baljinder Singh armed with kapa, Angrej Singh @ Gaji son of Bachan singh armed with Kirach, Gurjant Singh @ Janty son of Jangir singh armed with iron rod, Manpreet singh alias son of Mukhtiar singh alias Billa armed with iron Grari with pipe, Jaswinder Singh @ Jassi son of Iqbal singh armed with kapa, Gaji son of Sikandar singh alia Pappu armed with kapa, Ankush son of Harmesh armed with iron rod and the singh Petitioner Sajan son of Pala singh armed with axe accompanied by 10-12 unidentified persons were present near the main gate of complainant. At that time, the light outside house of complainant was on and the aforesaid persons started breaking the gate of complainant. Parmatma Singh entered the house of complainant by scaling the wall and opened the gate from inside. Surjit Singh brother of complainant came forward to restrain the assailants on which Parmatma Singh gave kapa blow which hit on left side of head of brother of complainant, Baijinder Singh gave kapa blow which hit on left side of head of brother of complainant, consequently brother of complainant fell down and when complainant came forward to his rescue Baljinder Singh gave brother, kapa blow on the middle finger of left hand of complainant, the Petitioner Sajan Singh gave axe blow on the ring finger of left hand of complainant, Angrej Singh gave kirch blow on lips of complainant, Gurjant Singh gave iron rod blow which hit on the left ankle of complainant, Manpreet gave iron pipe blow on right shoulder of complainant, Jaswinder Singh gave kapa blow on the back side of head of complainant due to which complainant fell down and while he was lying down, accused Gaji gave kapa blow on his right ankle and on alarm being raised by them, their mother Chhinderpal Kaur came forward and assailants also gave beatings to her. The assailants also damaged their Swift Dzire car, main gate in addition to glasses of windows door. Thereafter the assailants fled away from the spot on their vehicles with their respective weapons.*

*In the MLR No.134/RK/CHC/JBD/2024 dated 01.11.2024 of complainant-07 'Blunt' injuries were reported and the same were kept under X-Ray examination.*

*In the MLR No.132/RK/CHC/JBD/2024 dated 01.11.2024 of injured Surjit Singh-total 02 injures were reported as 'Blunt' and the same were kept under X-ray examination."*

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

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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 reply.

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

*“ROLE OF PETITIONER:*

*5. That it is respectfully submitted that the role of petitioners in commission of offence is that the petitioner was active member of group of assailants who attacked upon the complainant party and inflicted injuries to the complainant party while being armed with deadly weapons. One 'Blunt' injury which was inflicted upon Manjeet Singh has been attributed to the petitioner. Moreover, the alleged weapons (Axe) used by petitioner at the time of occurrence had been destroyed by him. Therefore, the petitioner cannot shirk his criminal liability.”*

REASONING:

8. Despite having an Axe, the petitioner restrained himself from inflicting direct blow on any vital organ as all the injuries per MLR are blunt and this alone is sufficient to grant anticipatory bail to the petitioner.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>2</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the

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<sup>1</sup> Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup> Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

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individual and the community.<sup>3</sup>

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 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.

CONDITIONS:

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

<sup>3</sup> Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

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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.

17. 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 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.

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. 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

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days, providing an opportunity to avail the remedies available in law.

20. 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.

21. 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.

22. 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.

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

24. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

(ANOOP CHITKARA)  
JUDGE

29.09.2025  
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Whether speaking/reasoned: Yes  
Whether reportable: No.