

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

CRM-M-36769-2025
Reserved on: 09.09.2025
Pronounced on: 29.09.2025

Deepak Singh @ Deepak ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohit Kumar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
50	22.07.2024	Sandaur, District Malerkotla	109(1), 126(2), 115(2), 117(2), 191(3), 190, 61(2)(a) of BNS and Sections 25/54/59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 25 of the bail application and 24 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	142	01.12.2018	307/341/323/506/148/149 IPC	Sudhar, District Ludhiana
2	138	26.05.2020	379 IPC	Sadar Patti
3	71	11.07.2023	379/411 IPC	Sudhar, District Ludhiana

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That pursuant to the said order, it is respectfully submitted that the brief factual matrix pertaining to the present case are that On 21th July 2024, an information was received from the Civil Hospital, Malerkotla regarding the admission of Jaswinder Singh and Gurdhaian Singh sons of Avtar Singh, resident of Village Kalyan, due to injuries and it was further informed that the injured(s) have been referred to Rajindra Hospital, Patiala.

Whereupon, on 22.07.2024, A.S.L. Harjinder Singh No.1366/SGR of Police Station Sandaur along with co-officials visited the Rajindra Hospital, Patiala and obtained the opinion of doctor regarding the fitness of injured(s) Jaswinder Singh and Gurdhian Singh to give statement and the doctor declared the injured(s) fit for giving statement. Then, injured Jaswinder Singh got recorded his statement to the effect that on 21.07.2024, at about 01.00 PM, he along with his mother had gone to biscuit factory of his parental uncle namely, Tarsem Singh son of Ajaib Singh, resident of Village Kalyan for preparation of biscuits, where his aunt Baljeet Kaur was also present. At about 02.15 PM, his brother Gurdhian Singh also came there. At about 02:30 P.M., one Swift Car, one Scorpio Car bearing registration No.PB-11-CZ-9361, followed by one Alto Car and i-20 Car came from the side of his village. The occupants of the car were namely, Harpreet Singh @ Happy son of Rajinder Singh armed with Gandasa, Manpreet Singh @ Mani son of Rajinder Singh armed with Iron Rod, Gurkamal Singh @ Landa son of Ruldu Singh armed with Kirpan, Baljit Singh Booby son of Rajinder Singh armed with Stick, Mani son of Singara Singh armed with Iron Daah came out of the vehicle. From the car, behind Jasni son of Harmail Singh armed with Stick, Yad Yadu armed with Iron Rod and 15-16 unidentified persons came out who were armed with Sticks, Iron Rods and Kirpan. Harpreet Singh @ Happy raised lalkara not to spare the complainant Jaswinder Singh and Gurdhian Singh and that they be taught a lesson for opposing them. Complainant and his brother ran away from the spot. Harpreet Singh @ Happy and Manpreet Singh @ Mani again raised lalkara to catch hold of them. Harpreet Singh gave a Gandasa blow to his brother Gurdhian Singh who fell down near biscuit factory. Manpreet Singh & Mani gave a blow on his head. Manpreet Singh gave an Iron Rod blow on the head of his brother Gurdhian Singh with an intention to kill him. His brother fell down whereas he raised hue and cry. Then Gurkamal Singh gave Kirpan blow on the left knee of his brother Gurdhian Singh. Gurkamal Singh gave another blow on the left knee of his brother. Then Gurkamal Singh gave Kirpan blow on his head with an intention to kill him. Manpreet Singh gave an Iron Rod blow on his head and he fell down. Harpreet Singh @ Happy gave Gandasa blow on the left arm of his brother Gurdhian Singh due to which his left arm got fractured. Remaining accused with their respective weapons also inflicted injuries. His paternal Uncle Tarsem Singh, his paternal aunt Baljit Kaur and mother Harjit Kaur raised alarm and on the road many passerby were gathered. Then all the accused along with their respective weapons fled away from the spot on their vehicle. Around 15/20 days ago, a dispute occurred in his Village with which he and his family members have nothing to do. Gorakh Nath son of Harnam Singh and Rajinder Singh Fauji son of Nirmal Singh of their Village, who uses to stare at him and used to extend threats that they will teach him a lesson, due to which Gorakh Nath and Rajinder Singh nurturing the grudge Harpreet Singh Happy, Manpreet Singh @ Mani, Gurkamal Singh, Baljit Singh, Mani, Jashni, Yaad @ Yadu and 15/16 unidentified persons in connivance with each other gave beatings to him and his brother Gurdhian Singh. Then his father, Avtar Singh arranged a vehicle and got admitted him and his brother Gurdhian Singh to Civil Hospital, Malerkotla, where after giving first aid, doctor has referred them to Rajindra

Hospital, Patiala, where they are under treatment. Legal action may be taken against said accused persons.”

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 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:

“21. THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED

During investigation proceedings, Avtar Singh (father of the complainant Jaswinder Singh) got recorded his statement, in pursuance of which, the petitioner Deepak Singh Deepak was nominated as accused in the present case. During investigation, DVR of CCTV cameras installed at the house of accused Harpreet Singh @ Happy was taken into police possession, which was checked, which shows that the petitioner was not only member of unlawful assembly, which was armed with deadly weapons, but also actively has participated in the commission of this heinous crime. Furthermore, the photograph of injured persons speaks volume of the intensity of this murderous attack.

22. THE EVIDENCE AND ROLE OF THE PETITIONER.

That the present FIR was registered against the co-accused of the petitioner and the name of the petitioner was cropped up during investigation and based on the statement of Avtar Singh, the father of complainant Jaswinder Singh. There are specific allegations against the petitioner to be a member of unlawful assembly which was armed with deadly weapons and leashed out the murderous attack upon the complainant and his brother, whereby they due were badly attacked on their heads, legs, and they remained admitted in P.G.I., Chandigarh and Rajindra Hospital, Patiala. During investigation, CCTV footage was checked, which shows that the petitioner was not only member of unlawful assembly, which was armed with deadly weapons, but also actively has participated in the commission of

this heinous crime. The petitioner along with his other co-accused inflicted seven injuries on the person of complainant and his brother with an intention to kill them. The photograph of injured persons speaks volume of the intensity of this murderous attack and it is sheer luck that injured(s) have survived this attack. Due to these injuries, the complainant and his brother remained admitted in Rajindra Hospital, Patiala. So, a specific role is attributed to the petitioner in the commission of present offence."

8. No injury has been attributed to the petitioner, the only evidence is that the petitioner is a member of an unlawful assembly with no specific role. Furthermore, although the name of the petitioner does not find mention in the FIR but his name has been cropped up during investigation in the statement of Avtar Singh, the father of the complainant Jaswinder Singh that he had played an active role in the aforesaid occurrence. 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 13 of the bail petition, the petitioner has been in custody since 22.09.2024. Per the custody certificate dated 08.09.2025, the petitioner's total custody in this FIR is 11 months and 12 days and he is a first offender.
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. 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 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. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No