

CRM-M-36864-2025
CRM-M-40601-2025

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

CRM-M-36864-2025
Reserved on: 10.09.2025
Pronounced on: 29.09.2025

Jatinder Singh @ Saadh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-40601-2025

Dilpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aashish Bhagat, Advocate
for the petitioner (in CRM-M-36864-2025)

Mr. Jasdev Singh Mehndiratta, Advocate
for the petitioner (in CRM-M-40601-2025)

Mr. Akshay Kumar, AAG, Punjab

Mr. Naveen Siwach, Advocate for
Mr. Hitesh Verma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
40	24.04.2025	Shambhu, Punjab	326(g)/333/115(2)/351(2)/190/ 191(2) BNS

1. Vide this common order, CRM-M No.36864 of 2025 and CRM-M No.40601 of 2025 are being disposed of. For brevity, the facts are being taken from CRM-M No.36864 of 2025.
2. The petitioners incarcerated in the FIR captioned above have come before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
3. Per paragraph 12 of the bail petition (CRM-M-36864-2025) and 11 of the bail petition (CRM-M-40601-2025), the petitioners have no criminal antecedents.

4. The facts and allegations are being taken from the status report filed in CRM-M-36864-2025 by the State, which reads as follows:

“3. That the brief facts of the present case/FIR No. 0040 (supra) are that on 17.04.2025, a telephonic message from Police Station City Rajpura was received at the Police Station that Davinder Singh was admitted in AP Jain Hospital, Rajpura due to injuries suffered in a scuffle. Upon the receipt of information, ASI Krishan Chand alongwith Const. Harjot Singh and PHG Dev Raj obtained the MLR bearing No. RD/MLR/RJP/25/81 dated 16.04.2025 of injured Davinder Singh (complainant), which revealed that he had suffered total 5 injuries, out of which, injury no. 1 and 2 were simple, injury no. 3 was kept for Surgeon opinion and injury no. 4 and 5 were kept for Ortho opinion. Then fitness of injured (complainant) was obtained from concerned doctor and subsequently, statement of complainant was recorded to the effect that on 16.04.2025 at around 09:30 PM, he alongwith his mother Joginder Kaur and father Karnail Singh were present at their house. At around 09:40 PM, 7/8 persons were calling complainant's name in abusive and filthy language and broke the gate of his house by pushing it. When the complainant came out of his room and stood in the courtyard, he saw Narinder Sharma had glass bottle filled with a liquid substance. The said persons forcibly entered in the house of complainant and thereafter, Yash gave a stick blow on the head of complainant, Jatinder Singh gave a stick blow on his back and Gagan gave a stick blow on the right knee of complainant, due to which, he fell down. Thereafter, while the complainant was lying down, Narinder Sharma gave kick blows in his stomach. When complainant's mother and father tried to save him from the said persons, they pushed and gave fist blows upon them. Upon raising alarm by complainant's parents, neighbors started gathering. In the meanwhile, Narinder Sharma poured oil on something from a glass bottle in his hand, set it on fire and threw it in the room of complainant. The fire got spread to bed from the clothes, belongings and window in the house. In the meantime, Jaspal Singh and other persons came, due to which, the aforementioned assailants fled away from the spot on their motorcycles with their respective weapons.”

5. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The petitioners' counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat 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 petitioners shall have no objection.

7. The State's counsel opposes bail and refers to para 20 of the status report filed in CRM-M-36864-2025, which read as follows:

*“20. **The role of the petitioner:-** That the petitioner alongwith his co-accused persons forcibly entered in the house of complainant and gave him beatings by wooden sticks. When the parents of complainant tried to save him from the petitioner and other assailants, they were pushed and given fist blows. Thereafter, while leaving, the co-accused Narinder Sharma alias Shankar threw bottle containing oil in the room of complainant and set it on fire.”*

8. There is sufficient prima facie evidence connecting the petitioners with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 1 of the bail petition (CRM-M-36864-2025), the petitioner has been in custody since 16.05.2025 and 4 of the bail petition (CRM-M-40601-2025), the petitioner has been in custody since 14.05.2025. Per the custody certificate dated 09.09.2025, total custody of both the petitioners in this FIR is 03 months and 21 days.

10. 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.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² 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.³ 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 individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled

¹ 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.

²Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

with the prima facie analysis of the nature of allegations, clean antecedents of the petitioners and the other factors peculiar to this case, there would be no justifiability for further 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 petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given the above, provided the petitioners are not required in any other case, the petitioners 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioners may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioners, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioners 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)	

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

17. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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.

18. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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.

19. Given the background of allegations against the petitioners, 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 petitioners 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 petitioners 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.

20. 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."

21. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide 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.

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23. This bail is conditional, with the foundational condition being that if the petitioners repeat 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.

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

25. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], 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.”

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.