

CRM-M-47370-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47370-2024
Reserved on: 03.05.2025
Pronounced on: 16.05.2025

Daljit Singh alias Buntty ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. B.S. Randhawa, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	05.02.2024	B Division Amritsar	302, 307, 427, 148, 149 IPC and 25/27/54/59 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. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 12.11.2024, filed by the State, which reads as follows:

“4. That the brief and relevant facts of the case are that the aforesaid FIR No. 17 dated 05.02.2024 was registered on the basis of the statement of Jasbir Singh son of Late. Swaran Singh, who had alleged therein that on 04.02.2024, at about 05:30 PM, his son Harmanjit Singh came home and told him that he was flying kites at about 04:30 PM on the roof of house of his friend Robin Rai with his other friends and Parminder Singh Bedi, Aditya Bedi were flying kites on the house of their roof accompanied by Jugraj Singh alias Lal and they were looking at them, raising lalkaras and abusing them. He further alleged that he made his son understand to not enter into quarrel and in the meantime, Robin Rai, Amritpal Singh alias

Maddi came to take his son and his son Harmanjit Singh also sat with them on their Aactiva and left from there and he also went behind him on his Aactiva and when he reached at P Mart Shop, Sultanwind Road, Parminder Singh Bedi armed with a pistol, Aditya Bedi holding a polythene containing empty bottles, Jugraj Singh alias Lal armed with pistol and Shamsher Singh alias Shera along 4-5 unknown persons were present there and Aditya Bedi raised lalkara to catch hold of his son Harman and Robin and started pelting empty glass bottles on his son Harmanjit Singh and his friends. He further alleged that thereafter Parminder Singh Bedi and Jugraj Singh alias Lal started shooting directly with their pistols on his son Harmanjit Singh and his friends with an intention to kill them and one bullet hit in the waist of his son Harmanjit Singh and one bullet hit the car of a passer-by and when he raised hue and cry for help, all the aforesaid accused fled away from the spot with their respective weapons. He further alleged that he took his son Harmanjit Singh to Civil Hospital Amritsar for medical treatment but later he took his son to Hartej Hospital, where the doctor declared his son Harmanjit Singh as dead. The main cause of the incident was that his sister-in-law's son Amritpal Singh alias Madhi had a dispute with the aforesaid accused and they keep grudge in their mind against his son and his friends. The detailed facts mentioned by the complainant Jasbir Singh in the aforesaid statement have been reproduced in the true translation of the FIR attached with the petition as Annexure P-1, which may kindly be read as a part of present paragraph as same are not repeated here for the sake of brevity.”

4. Petitioner seeks bail on parity with Kuldip Singh @ Panchi @ Prince who was granted bail by this Court vide order dated 30.08.2024 passed in CRM-M-31230-2024. Counsel further submits that petitioner has not been named in the FIR and it was the other accused disclosure statement, in which his name was surfaced and also the fatal injury was not caused by the petitioner and he has no role at all. The petitioner's counsel further 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 State's counsel opposes bail and refers to the reply and submits that petitioner is neither entitled to bail on parity nor on merits.

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

“Role of the petitioner

12. That as per the prosecution version, the petitioner being a member of an unlawful assembly comprising of him and other nominated co-accused armed with pistols and empty bottles had fired upon Harmanjit Singh resulting into the death of Harmanjit Singh. The petitioner had actively participated in the alleged occurrence.

Evidence against the petitioner

13. That the prosecution evidence against the petitioner is primarily based on the oral supplementary statement of the complainant Jasbir Singh under section 161 Cr.P.C., identification of the petitioner made by the complainant as one of the accused persons involved in murder of his son Harmanjit Singh, disclosure statement suffered by the co-accused Aditiya Bedi, Jugraj Singh and Shamsher Singh @ Shera as well as disclosure statement suffered by the present petitioner Daljit Singh @ Bunty and the post-mortem examination report of the deceased Harmanjit Singh, which corroborates his version."

REASONING:

7. Perusal of para 4 of the reply clearly points out that the main accused in this case are Parminder Singh Bedi who was armed with pistol, Aditya Bedi holding a polythene containing empty bottles, Jugraj Singh alias Lal armed with pistol and no injury has been attributed to the petitioner. Counsel for the complainant also opposes the bail and submits that petitioner was identified in TIP. Even this argument is accepted still no role was attributed to the petitioner, as such petitioner is entitled to bail on merits.

8. Per paragraph 5 of the affidavit dated 01.05.2025 filed by the State, the petitioner has been in custody since 14.04.2024 and accordingly his custody in this FIR is approximately one year.

9. 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, subject to the compliance of terms and conditions mentioned in this order.

10. 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.

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.

CRM-M-47370-2024

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*

CRM-M-47370-2024

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. **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 have the liberty to cancel this bail.**

21. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

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

16.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.