

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44682-2025  
Reserved on: 01.10.2025  
Pronounced on: 31.10.2025

Kashmir Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S.Thind, Advocate  
for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA, J.

| DDR No. | Dated      | Police Station            | Sections                                |
|---------|------------|---------------------------|-----------------------------------------|
| 14      | 26.06.2025 | Lopoke, District Amritsar | 115(2)/118(1)/126(2)/<br>191(3)/190 BNS |

IN

| FIR No. | Dated      | Police Station            | Sections                        |
|---------|------------|---------------------------|---------------------------------|
| 143     | 25.06.2025 | Lopoke, District Amritsar | 115(2)/118(2)/191(3)/190<br>BNS |

1. The petitioners apprehending arrest in the DDR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of DDR annexed with the petition as Annexure P-3, which reads as follows:

*“Statement of Dilbagh Singhson of Jaimal Singh resident of village Khiala Kala police station Lopoke age 28 years mobile number 62841-88584 stated that I am a resident of the above-mentioned village and I do agricultural work. On 16-05-2025, I and my uncle's son Bachittar Singh son of Virsa Singh resident of village Khiala Kalan police station Lopoke district Amritsar whose car workshop is located at Ramtirth along with him after fixing a car of Village Khiala Kalan returning to our village at midnight via Boparai Kalan when we reached a little ahead of the village of Bapaar-e-Kala, at pull Ganda Naala(Dirty Drain's pull) when I saw in the headlights of my vehicle that Kashmir Singh, son of Harbhajan Singh hand held Kirpan, Gurmeet Singhson of Harbhajan Singh hand heldDatar, and Nishan Singh son of Gurmukh Singh hand held Baseball bat, residents of village Khiala Kala, were standing on their motorcycles. They had thrown their motorcycles in front of my vehicle. Because of which, me and my uncle's son Bachittar Singh got out of the vehicle and*

*started asking them why they had blocked our way. Gurmeet Singh, son of Harbhajan Singh, raised a lalkaara loudly and said, "get hold of Bachittar Singh, we will not let him live today." So, I ran and got into my vehicle. Then Gurmeet Singh, son of Harbhajan Singh, struck Bachittar Singh with a daatar, which hit his right eye. Then Kashmir Singh, son of Harbhajan Singh, struck Bachittar Singh with his kirpan, which hit his right leg. After that, Bachittar Singh he fell down. Then Nissan Singh, son of Gurmukh Singh, struck Bachittar Singh twice with a baseball bat, which hit him on the back of his back. Then we raised hue and cry of "maarta-maarta" to which accused fled away from the spot while threatening us. The reason is that my uncle's son Bachittar Singh had taken the land of Gurbhej Singh, a resident of village Wadala, Bhattwind, on lease. But later these people had bid for this land on lease and taken it on their own. Because of this, my uncle's son Bachittar Singh had a fight with them due to which they attacked us and gave injuries to him. Then I arranged for a ride and brought my uncle's son Bachittar Singh home. After which, as his condition deteriorated, I admitted him to the Civil Hospital Lopoke for treatment. Where the doctor had referred him after providing medical assistance. My uncle's son Bachittar Singh was voluntarily admitted to Arora Hospital, Amritsar till now, the respected people have been trying to get the settlement among us, which has not worked. I have got my statement written with you and heard it is correct. Claimant. Correct/- Dilbagh Singh."*

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 petitioners and their family.

5. The petitioner's 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.

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:

***"Role of the petitioners***

*10. That as per the version of the complainant Dilbagh Singh, the petitioners armed with kirpan, daatar and baseball bat had attacked upon Bachittar Singh and caused injuries upon him and injury caused by the petitioner No. 1 was grievous in nature."*

8. It is a case of version and cross-version. Given the nature of injury and role attributed to petitioner, no case for custodial interrogation is made out. 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.

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

10. 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 further custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

11. 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.

12. Given 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 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.

13. 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)                                                                                                             |  |

14. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The

<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.

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

petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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

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

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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. 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.

20. 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.

21. 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 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. 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 DDR mentioned above.

24. 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.

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

(ANOOP CHITKARA)  
JUDGE

31.10.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.