

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46821-2025
Reserved on: 10.09.2025
Pronounced on: 18.09.2025

Gurdass Singh @ Maathu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arav Gupta, Advocate,
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
98	18.06.2024	Naggal, Distt. Ambala	341, 34, 362, 120-B IPC and 25 of Arms Act (Challan presented under Sections 302, 34, 341, 148, 149, 120-B, 307 IPC & 25 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. As per paragraph 17 of the bail petition, the petitioner 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 it is submitted that the brief facts of present case in nutshell are that complainant Mohit had lodged a complaint with police alleging therein that his younger brother Gupreet Singh used to sit with him on shop and on dated 18.06.2024, when he was at home, his brother Gurpreet had also come to home to eat food. In the meantime, Pardeep son of Pola Ram and Gurjant Singh @ Diljan Singh son of Baljeet Singh came on a motorcycle and at about 01:00/01:15 PM, Gurpreet, Pardeep and Gurjant had went on said motorcycle to go to house of his maternal uncle Gulab Singh resident of village Baknaur. At about 03:15/03:30 PM, his neighbourer Rahul had told him that Pardeep had telephonically told him that Gurpreet Singh and Gurjant Singh were shoot-down due to which Gurpreet Singh has died and he was taking Gurjant Singh for treatment in hospital. On this, he alongwith his family members reached at the spot where dead body of his brother Gurpreet Singh was lying. He came to know that Karni son of Satta @ Satpal, Jassi, Sukha, Aman @ Pandit alongwith 4-5 other persons armed with deadly weapons had restrained

way of his brother Gurpreet Singh, Gujant Singh @ Diljan Singh and Pardeep Kumar and had attacked upon them due to old enmity and grudge after hatching a criminal conspiracy and his brother Gurpeet Singh has died at the spot due to the bullet injuries whereas the other injured Gurjant Singh @ Diljan Singh has been taken to PGI, Chandigarh for treatment. Upon which the present FIR has been registered. However, the detailed facts in this regard have been given FIR and the copy of FIR is already annexed as Annexure P-1 by the accused-petitioner, hence the facts in detail are not repeated for the sake of brevity.”

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 his 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 following portions of the reply, which reads as follows:

*“17. That as far as the evidence based on which the petitioner was arraigned as an accused concerned is that the accused-petitioner was arraigned as an accused on the basis of disclosure statement of co-accused persons and moreover, the accused-petitioner has also admitted that he was also the part of said troupe who committed the murder of deceased (Gurpreet Singh) and sustained injuries on the person of Diljan.
18. That as far as the role of the accused-petitioner in the commission of present crime of the case concerned is that during investigation, upon examination of disclosure statements of accused persons, call details and the tower location of the mobile phone of the accused-petitioner and that of co-accused persons, it was discovered that same were in area close to the place of occurrence and the accused-petitioner was in touch with the co-accused and as per the investigation, the accused-petitioner and co-accused by entering into criminal conspiracy have murdered Gurpreet Singh deceased and hence there is sufficient evidence in shape of oral as well as scientific against the accused-petitioner to connect him with the present crime.”*

REASONING:

7. Per paragraph 10 of the reply, no injury found to be attributed to petitioner on the person of deceased or victim. However, petitioner presence was there as per tower location and CAF/CDR record. But, the petitioner was neither named in FIR nor any malice was pointed towards the petitioner. Thus, the petitioner is on lower footing than the other accused.

8. Given the above, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to the petition, there would be no justifiability for further pre-trial incarceration at this stage.

9. 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.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to the petitioner, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. 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 petitioner 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 petitioner, 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.

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 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.

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 [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."

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

(ANOOP CHITKARA)
JUDGE

18.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.