

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48192-2025
Reserved on: 01.10.2025
Pronounced on: 27.10.2025

Manpreet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
107	24.07.2024	Rori, District Sirsa, Haryana	109, 115(2), 190, 191(2), 191(3), 118(1), 351(2), 351(3) (Section 118(2) BNS added later on) (Section 333 BNS deleted during investigation) and 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 28 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"2. That the precise facts of the instant case are that the FIR No. 107 dated 24.07.2024 (Annexure P-1) under sections 109 (1), 191 (3), 191 (2), 190, 115, 118 (1), 351 (3), 333, 3 (5) of BNS, 2023 & 25 of Arms Act, 1959, was registered at P.S. Rori, District Sirsa, on the Statement of Gurjiwan Singh son of Malkit Singh resident of Village Rohan and aged 30 years Mobile No.98171xxxx. It was stated by the complainant that "I am an agriculturist by profession, on dated 220.07.2024 I and my brother Pargat Singh and my mother Jaspal Kaur my sister-in-law/Bhabhi Kuldeep Kaur were at home and my friend Gurmeet Singh son of Makhan Singh Resident of Rohan had come to our home that time at around 09:00 AM, sound of fire short came outside our house my elder brother Pargat Singh went near the Gate and saw that three vehicles were parked outside our house were sitting inside the vehicles, in the meantime, me and my friend Gurmeet Singh also came out and saw that in one vehicle Kulwant Singh son of Sukhdev and his brother-in-law Amandeep Singh alias Amna son of Kulwant Singh resident of Behman Kaur Singh Wala Punjab, they

were carrying pistol in their hand and in second vehicle Sukhjinder Singh alias Gaggi son of Kulwant Singh resident of Rohan who was carrying wood stick in his hand, Lovepreet Singh son of Joginder Singh Resident of Rohan who was carrying a Sword in his hand, in third vehicle Manpreet Singh son of Joginder Singh R/o Rohan and Joginder Singh son of Gurbaksh Singh resident of Rohan they were carrying tomahawks in their hands, Kulwant Singh alias Mohni son of Gurmel Singh Resident of Rohan was carrying a Rod in his hand and three-four other persons were there. I do not know their names, they were carrying wooden sticks in the hands all the above named persons upon seeing us momentarily launched an attack upon us, Sukhwinder Singh @ Gaggi gave Sword blow which he was carrying in his hand upon my brother Pargat Singh which hit upon the right hand of my brother and Lovepreet Singh inflicted injury upon the head of my brother Pargat with a Sword which he was carrying in his hand and Manpreet Singh attacked with tomahawk which he was carrying in his hand upon the head of my brother and Joginder Singh and Kulwant Singh alias Mohni Inflicted injury to my friend Gurmeet Singh with the Tomahawk and Rod which they were carrying in their hands which hit upon his right hand and upon the head when I started disengaging them then Lovepreet Singh attacked me with a Sword which hit upon the left side of my head and Kulwant Singh son of Sukhdev Singh and Amandeep Singh fired direct shots upon us with the Pistol which they were carrying in their hands with an Intention to kill us, that we survived, all three of us ran and went inside our house. All the above named persons barged into our house and assaulted us inside the house, we raised alarm of killed-killed then all the persons fled from the spot along with their respective vehicle while boarding their vehicle which were parked in the street and while leaving they threatened us that today you have been left live, in future we shall kill you. The cause of grudge is that many months back arguments were exchanged with Kulwant Singh son of Sukhdev and Joginder Singh, amid that grudge they have inflicted injuries to us and have fired shot with an intention to kill us. Legal action may be initiated against all the above named accused persons". The deep and fair investigation was then conducted in the present case. The place of occurrence was Inspected and site plan of place of occurrence was prepared by the Investigating officer.

3. That during the furtherance of investigation the statement of injured Pargat Singh son of Malkit Singh resident of village Rohan was also recorded under section 180 BNSS on 08.08.2024. In his statement the injured Pargat Singh categorically alleged that the present petitioner/accused gave direct blow of knife/kappa on his head with the intention to kill him. The present petitioner/accused and other co-accused inflicted multiple random lethal injuries on the injured persons. The facts of his statement are duly verified and confirmed with the statements of other injured as well disclosure statement of the accused."

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 status report, which reads as follows:

"13. That there exists a prima facie case against the petitioner/accused based on the statements of complainants, medical evidence and other relevant facts collected during the investigation. The weapon/'Kappa' used by the petitioner in the commission of crime was got recovered by the petitioner/accused himself vide recovery memo duly signed by the petitioner and witnesses. If released on bail, it is strong likelihood that the petitioner/accused may temper with evidence and threaten or influence prosecution witnesses. Several key witnesses in the case are vulnerable and have apprehension regarding their safety."

REASONING:

7. 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.

8. As per paragraph 10 of the bail petition, the petitioner has been in custody since **03.08.2024/03.11.2024**. As per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 10 months and 27 days.

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.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

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.

are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

10. Given the above, 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.

12. 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.

13. 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.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. 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.

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.

17. 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.

18. 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.

19. 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."

20. 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.

21. 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.

22. 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.

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

24. 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 FIR mentioned above.

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

(ANOOP CHITKARA)
JUDGE

27.10.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.