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

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Date of Decision: 16.07.2025

Dheeraj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishva Nath Sharma, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

Mr. Harmanpreet Singh, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
178	18.06.2022	Cantonment, Amritsar, Punjab	307, 427, 451, 353, 186, 506, 325 IPC (Sections 323, 324 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 CrPC seeking regular bail.
2. Vide order dated 12.12.2023, the petitioner was granted interim protection and the said order is continuing till date.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Statement of Raj Kumar son of Jagdish Kumar, resident of H.No. 137, Ajit Enclave, Ajnala Road, Amritsar, aged about 42 years, mobile no. 97815-93320. Stated that I resident of aforesaid address and doing the work of dairy. My wife, Savita, aged about 40 years, runs a grocery shop. I was taking rest in the room of my house and my daughter Prerna was sitting with my wife Savita on shop. Our neighbourer Dheeraj Kumar son of Shashi Pal, house No. 136, Ajit Enclave, Amritsar, wielding iron data, entered inside our grocery shop made assault with datar on the head of my wife which hit on left side in the head of my wife and second below struck on left elbow



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while third blow hit on left hand. My daughter Prerna raised alarm in loud voice, upon which I rushed and reached, upon which he rushed behind me. One door in shop opens inside the house, which he broke by striking datar and in the meantime persons from the neighbourhood gathered over there and Dheeraj Kumar fled away from the spot along with data. Dheeraj Kumar, with an intent to kill, had assaulted my wife Savita by hitting with datar and thus, appropriate legal action may be initiated and he has also extended life threats. The occurrence took place at about 2:30 PM. Sd/-Raj Kumar."

4. Counsel for the petitioner submits that when he was granted interim protection vide order dated 12.12.2023, after that there is no allegation that the petitioner in any manner troubled the victim. He further submits that he was granted interim bail after custody period of more than one year and five months. Further, he has no objection if further conditions are imposed.

5. Counsel for the complainant does not dispute this fact.

6. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

7. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant, witnesses, and 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 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, 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.

8. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the victim's property, workplace, and residence until the statements of all non-official and informal witnesses in the trial are recorded. This Court



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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 Bhat v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

9. Petitioner shall not repeat the offence or indulge himself in any offence. If he does so, he would have no objection if the present FIR is cancelled.

10. In case, petitioner violates any of the conditions mentioned above, liberty is granted to the complainant to file an application for cancellation of FIR before the trial Court.

11. 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."

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

13. **Petition allowed** in terms mentioned above. Interim order dated 12.12.2023 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.