

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52991-2024
Reserved on: 06.02.2025
Pronounced on: 14.02.2025

Navjot Singh @ Nannu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishva Bahl, Advocate
for the petitioner (through V.C.).

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0197	30.06.2023	Gate B-Division, District Amritsar	323, 324, 336, 379-B, 148, 149 IPC and 25, 27 of Arms Act (Section 379 (b) (2) added later on)

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. Per paragraph 10 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	163/2023	-	379, 411 IPC	Maqboolpura
2.	144/2023	-	379 IPC	Civil Lines
3.	141/2023	-	379 (B) (2), 323, 34 IPC	Civil Lines
4.	142/2023	-	379-B, 34 IPC	Civil Lines

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement of Gurpreet Singh son of Angrej Singh, resident of House No.18. gali No.03, near Jugal Kiryana Store, new Shaheed Udham Singh Nagar, Amritsar, aged 19 years, mobile No.62830-xxxxx. He has stated that I am resident of the above address and I operate a chicken stall in front of Novelty Sweets, 100 foot road. Today on

dated 29.06.2023 at around 09:30 o'clock in the night, I and my younger brother Nirmal Singh were returning back from our maternal grandparents house in village Jheente on our motorcycle make Splendor bearing No. PB-02-AV-4238 and were present at the noodles and momos shop in Mandir Wala Bazar, Gurnam Nagar, Gali No.05 eating noodles. There Prince @ Bhichi resident of Mandir Wala Bazar, Sultanwind Road, Amritsar along with 10-12 unknown boys came there and they started brutally slapping my brother Nirmal Singh outside the shop and I tried stopping Prince @ Bhichi from doing so upon which Prince @ Bhichi took out the rapier from its sheath and started to hit me, upon which I bent over and the rapier struck me upon the backside of my left shoulder, then again Prince @ Bhichi tried to attack me with his rapier and I turned back and it struck me near the spinal cord on my back. Prince attacked me once more with the rapier he was holding which struck me on the right side of my head, Prince then attack once more with the rapier which struck on my neck and I fell down on the ground. After I had fallen, the unknown boys had started punching and kicking me with heels on my buttocks. After seeing the public gathering outside, these unknown boys had stolen from me my mobile phone make APPO A-5S containing SIM No.98882xxxxx and some unknown had even fired an air shot. The reason for enmity is this that around 20-22 days backs, a fight had ensued in the empty ground besides our house and at that time I and my brother Nirmal Singh had witnessed the fight in which Prince @Bhichi was involved as well. My brother Nirmal Singh called up my father's relatives and arranged for a transport and got me admitted to Civil Hospital where I am currently being treated. Appropriate legal action be taken against Prince @ Bhichi and the unknown boys. Sd/- Gurpreet Singh. Attested Sd/- Roop Lal, P.S. B Div, ASR, 30.06.2023. Police Investigation:- Today I, ASI, along with ASI Sukhvinder Singh 1385, ASI Mandeep Singh 2197, HC Baljeet Singh 4170, HC Mahinder Singh 3966, HC Navjeet Singh 1/744 all riding in private vehicle with laptop and printer, were patrolling in relation to search of criminals at Sultanwind Chowk, when a phone call from N/ MHC Satwinder Singh 3688 was received that in Gurnam Nagar, Gali No.05, Mandir Wala Bazar, outside Sultanwind Road there has been a fight and a 19 shot has also been fired. During the light Gurpreet Singh son of Angrej Singh resident of House No.18. Gali No.03, New Shaheed Udham Singh Nagar, Amritsar has been injured and he has been admitted to Civil Hospital for treatment, you have to reach there for recording statement.”

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 their family.

5. The State's counsel opposes bail.

6. An analysis of the arguments advanced would lead to the outcome that petitioner has been nominated on the basis of disclosure statement of co-accused on the allegation

that he was a member of unlawful assembly and the petitioner snatched the mobile phone of the complainant.

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. Per paragraph 8 of the bail petition, the petitioner has been in custody since 09.07.2023. Per the custody certificate dated 05.02.2025, the petitioner's total custody in this FIR is 01 year, 06 months and 25 days.

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.

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.

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. 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.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

18. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

14.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.