

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50535-2025
Reserved on: 15.09.2025
Pronounced on: 29.09.2025

Des Singh @ Desa Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

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

Mr. Aman Mittal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
156	06.09.2024	Sadar Fazilka, District Fazilka	118(1), 115(2), 191(3), 190, 351(3) BNS and 25 of Arms Act (Section 109, 3(5) BNS added and 191(3), 190 BNS deleted later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	23	22.02.2024	341, 323, 379-B, 148, 149, 307, 336, 325 IPC and 25/54/59 of Arms Act	Sadar Fazilka

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

“Statement of Harwinder Singh alias Makhan Singh, son of Balvir Singh, son of Jeet Singh, resident of Village Tarobari, Police Station Sadar Fazilka, aged 24 years, mobile number 62843-05236 stated that I reside at the aforementioned address and work as a daily wage laborer. On 05.09.2024. at approximately 7:30 PM, I was on my

motorcycle traveling from Fazilka to the old grain market in Ladhu Ka Mandi, near Guru Kripa Dairy, to fetch milk. Suddenly, Desh Singh son of Jeet Singh armed with a pistol and Daljit Singh alias Dhakad, son of Chann Singh armed with Khanda, Mohan Singh son of Satnam Singh armed with Kapa, Sahil son of Ronak Singh armed with Kapa and Gori son of Ronak Singh armed with Gandasi, all residents of Fatehgarh, along with Manish Singh son of Sunder Singh armed with Wood, resident of Tarobari, all arrived on three motorcycles, accompanied by some two other unknown individuals. Desh Singh immediately shouted, saying, "Catch him. Let's teach him a lesson, what happens when you help our enemy. Hardeep Singh, son of Hansa Singh, a resident of Lal Singh. Immediately, Mohan Singh struck me with the Kapa he was carrying. In an attempt to defend myself, I raised both my hands, and the Kapa struck my left elbow. Following this, Daljit Singh struck me with Khanda he was carrying, which hit me on my left arm. Sahil also struck me with Kapa he was carrying, which hit my right hand. Another individual, Gori, struck me with Kahi he was carrying, which hit me on my back. I started running away. Desh Singh then fired his pistol at me, and the bullet hit my left leg. I started raising alarm (Marta Marta), and hearing my cries, many people gathered from the market, due to which attackers flee the spot on their motorcycles along with their respective weapons, threatening to kill me. Then, I informed my brother, Sandeep Singh, about everything. He came to the spot, arranged for transportation, and admitted me to Civil Hospital Fazilka for treatment. The doctor provided me with primary treatment and then referred me to Guru Gobind Singh Medical College, Faridkot, for further medical care, where I am currently undergoing treatment. I have dictated this statement, which I have read and found to be correct. Action should be taken. (Signed) Harwinder Singh"

4. Counsel for the petitioner submits that the matter stands compromised with the complainant.
5. Counsel for the complainant also admits the factum of compromise and states that they have no objection to the petitioner's bail.
6. 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.
7. 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 Special Judge or Sessions 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.
8. The State's counsel opposes bail based on instructions.

9. Although the allegations against the petitioner are serious but considering the No Objection from the victim coupled with the pre-trial custody of more than seven months, this Court does not intend to continue further incarceration.

10. Per paragraph 3(xi) of the bail petition, the petitioner has been in custody since 11.02.2025. Per the custody certificate dated 13.09.2025, the petitioner's total custody in this FIR is 07 months and 02 days.

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

12. Because of no objection to the bail by the victim(s), this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of compromise by the prosecution or the Court.

13. Given the compromise, the penal provisions invoked vis-à-vis 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.

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.

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.

14. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any as the petitioner was granted bail due to No Objection of victim.

15. 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.

16. 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.

17. 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.

18. 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)	

19. This order is subject to the petitioner's complying with the following terms.

20. 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.

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. 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."

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.