

CRM-M-53106-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53106-2024
Reserved on: 09.07.2025
Pronounced on: 16.07.2025

Harjit Singh @ Ghuddu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aruz Khan, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
171	23.11.2020	Dakha, District Ludhiana Rural	302/201 IPC (Section 34 IPC added later on)

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

2. In paragraph 12 of the bail petition, the accused declares that he 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 brief facts of the case are that on 23-11-2020 complainant Gurdev Singh s/o Gajjan Singh r/o village Baddowal, District Ludhiana gave statement to the police that his son Jashanpreet Singh aged about 18 years received one phone call at about 8/8:15 p.m. on 21-11-2020. After attending the phone call, his son left the house without informing anybody. They were searching about his son in the relatives and his friends. Today he received phone call of Sarpanch Jaspreet Singh of his village who told him that one dead body of a boy is lying in the sewerage gutter backside Victoria colony. He visited at the spot and found that the dead body lying in the sewerage gutter was of his son Jashanpreet Singh. There were injuries on the mouth and head of his son. After committing murder, the dead body of his son has been hanged in the sewerage gutter facing towards ground. On this statement case FIR No.171 dated 23.11.2020 u/s 302/201 IPC has been registered in PS. Dakha against unknown persons.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner

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and their family. Counsel for the petitioner submits that the petitioner was not named as an accused in the challan. However, on an application filed by complainant, he was summoned as an additional accused under Section 319 CrPC vide order dated 18.01.2024.

5. The State's counsel opposes bail and refers to reply.

6. Petitioner was not named in challan and summoned to face trial, as such two views are there as such, no purpose would be served by further detaining the petitioner behind the bars. Petitioner is behind the bars from the last 01 year, 03 months and 17 days as per custody certificate dated 08.07.2025.

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. An analysis of the above does not justify further custodial interrogation or pre-trial incarceration and petitioner is behind bars from the last 01 year, 03 months and 17 days.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner was not named in challan and the other factors peculiar to this case, there would be no justifiability for further custodial interrogation or the pre-trial incarceration at this stage. 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.

9. 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.

10. 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)	

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

12. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, 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 firearms.

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[This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a 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 of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under 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.

13. 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."

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

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

16.07.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.