

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51396-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Gurinder Singh Pandher ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

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

Mr. Naresh Gopal Sharma, Advocate with
Mr. Rajesh Dhiman, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
67	27.07.2025	Maloud, District Khanna	115(2), 351(2), 125, 324(4), 191(3), 190 BNS (Section 27 of Arms Act and 117(2) BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 16 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 brief facts of the case are that the present FIR has been registered on the basis of the statement of Satwinder Singh @ Babbu who inter alia stated that
(i) That he runs a shop under the name and style of Fateh Arts and Accessories in front of Subhash Petrol Pump, Mabud On 26.07.2025, at about 6:30 PM, he along with his friends Vikramjit Singh Vicky and Tanpreet Singh had gone to Malerkotla in his black Scorpio car bearing registration number PB10JX4747 for some personal work. At about 8:00 PM, while they were returning from Malerkotla towards*

their homes, near Pandher Palace on Ludhiana-Malerkotla road, Jaswinder Singh @ Babbu crossed their vehicle in his Creta car. Thereafter, the complainant Satwinder Singh dropped his friends Vikramjit Singh @ Vicky and Tanpreet Singh at their homes and himself reached his house at village Sekha at about 10:00 PM. After having dinner, he went to sleep. At about 10:45 PM, he received a phone call on his mobile number 9217300074 from Jaswinder Singh @ Babbu from his number 9814904500. Initially, he did not answer the call, but after receiving repeated calls, he picked it up and on answering, Jaswinder Singh @ Babbu challenged him, saying that if he is truly his father's son, he should come near the ground of the Government Senior Secondary School, Rodiya, where he is waiting.

(ii) That the complainant narrated the conversation to his friends Vikramjit Singh and Tanpreet Singh over the phone. Shortly thereafter, Vikramjit Singh @ Vicky along with Tanpreet Singh and two other friends came to his house in their Corolla Altis car bearing registration number PB63C0003. The complainant then accompanied them in the said car to the gate of the school ground, reaching there around 11:00 PM. At that place, on the road, Jaswinder Singh Babbu, Harsimran Singh. Gurinder Singh (present petitioner), Mani. Khan and Jaswinder Singh were already standing with their Fortuner car bearing registration number PB11AX1737. Jaswinder Singh @ Babbu and Harsimran Singh were holding licensed pistols in their hands, Gurinder Singh (present petitioner) had a hockey stick, and Khan had a stick.

(iii) That as soon as the complainant and Tanpreet Singh alighted from their car Corolla Altis, Jaswinder Singh @ Babbu and Harsimran Singh fired shots at them with their pistols. Satwinder Singh and Tanpreet Singh immediately ducked down, and the bullets passed over them. In doing so, Satwinder Singh's knees and left arm got bruised by rubbing against the road's gravel. Jaswinder Singh @ Babbu then raised a lalkara saying that they should not be spared and must be taught a lesson. Thereafter, Jaswinder Singh @ Babbu took out an iron rod from his Fortuner and struck Satwinder Singh on the head. Gurinder Singh (present petitioner) also struck him on his right shoulder with his hockey stick. The complainant further stated that then he raised alarm and his friend Tanpreet Singh tried to intervene, but Jaswinder Singh @ Babbu gave multiple blows with the iron rod on the head of Tanpreet Singh, while Gurinder Singh (present petitioner) struck Tanpreet Singh with the hockey stick on his left shoulder and back of the neck. Khan gave three stick blows on Tanpreet Singh's right leg and two on his right arm, and also struck his left elbow. Mani kicked Satwinder Singh with his feet while he was lying on the ground. Meanwhile, Vikramjit Singh @ Vicky and his two friends remained sitting inside the Corolla car. Jaswinder Singh Babbu and Gurinder Singh (present petitioner) then smashed the front windscreen and driver-side window of the car with their respective weapons. Thereafter, Vikramjit Singh, out of fear, managed to drive the car away along with his friends. The assailants, while issuing threats to kill, fled the spot in their Fortuner.

(iv) The complainant then called Vikramjit Singh @ Vicky to the spot, who came and took him and Tanpreet Singh, both injured, to Civil Hospital Maloud in his car. The staff at Civil Hospital Maloud provided

first aid and referred them to Civil Hospital Ludhiana. They were thereafter taken in a government ambulance to Civil Hospital Ludhiana by their relatives Rakesh Kumar and Jaswinder Singh. At Civil Hospital Ludhiana, their MLRs were prepared and they were referred further to DMC Ludhiana.”

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 and their 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 the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“17. The role of the petitioner:

That the role of the petitioner Gurinder Singh is clear and specific. He participated in the assault along with the other accused and, by using a hockey stick, caused injuries to Satwinder Singh and Tanpreet Singh and also damaged the vehicle of Vikramjit Singh. His presence, weapon, and active participation in inflicting injuries on both victims as well as damaging property form an integral part of the unlawful assembly, thereby attracting the invoked penal provisions.”

8. Given the nature of injury and role attributed to the petitioner, no case to deny bail is made out and given the clean antecedents of the petitioner, this Court wants to afford him an opportunity to course correct. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

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.¹ Personal liberty is a very precious fundamental right and it should be curtailed

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.

only when it becomes imperative according to the peculiar facts and circumstances of the case.² 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.³

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner's clean antecedents and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

11. 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.

12. 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.

13. 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 Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. 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.

17. Given the background of allegations against the petitioner, it becomes paramount to protect 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 firearms. [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 of the uploading of this order on the official webpage of this Court 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.

18. 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."

19. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added

section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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. 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.

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

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes