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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53963-2025
Reserved on:01.10.2025
Pronounced on: 28.10.2025

Waryam Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Gurmeet Singh Saini, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
183	02.11.2021	Sadar Ferozepur, District Ferozepur	302, 307, 148, 149, 120B, 447, 511 IPC and 25/27 of Arms Act

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. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the FIR No. 183 dated 02.11.2021 under Section 302, 307, 148, 149, 120-B, 447, 511 IPC and Section 25, 27 Arms Act was registered at Police Station Sadar Ferozepur, District Ferozepur on the complaint of Mahinder Singh against accused 1) Jarnail Singh, 2) Gurpreet Singh (son of Surjit Singh), 3)Amar Singh, 4) Gurpreet Singh (son of Jarnail Singh). 5)Gumam Singh, 6)Harpreet Singh, 7) Malkit Singh, 8) Gurdip Singh, 9) Jassu, 10) Waryam Singh (present petitioner), 11) Guljar Singh, 12) Surjit Kaur, 13) Sumitra Bai, 14) Parmjit Singh, 15) Kalu, 16) Nishan Singh, 17)

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Pritam Singh former member, 18) Gaggi, 19) Joginder Singh (Son of Jagir Singh), 20) Raj Kumar @ Raju, 21) Pala, 22) Sunny, 23) Surjit Singh @ Baggu, 24) Gurpreet Singh (son of Joginder Singh), 25) Joginder Singh (Son of Kartar Singh), 26) Gurbhajan Singh and 27) 5 Unknown persons.

That FIR (Supra) was registered at the instance of Mohinder Singh son of Makhan Singh on the allegations that there was a long litigation pending between Bhagwan Singh and Jarnail Singh regarding land measuring 36 Marlas. Bhagwan Singh etc. had taken the possession of said land as per orders of Hon'ble Punjab & Haryana High Court. Jarnail Singh was out to take revenge of his having lost the legal battle. Bhagwan Singh had further sold the land to Waryam Singh (petitioner). Gulzar Singh, Bakshish Singh (complainant's son), Wassan Singh, Gurmej Singh, Satpal Singh, Kashmir Singh and Lakhwinder Singh. But despite that, Jarnail Singh and his brother-in-law Gurdeep Singh wanted to take forcible possession of said land, due to which, under a deep rooted conspiracy with co-sharer of the said land, namely Waryam Singh (petitioner) and Gulzar Singh, the accused Jarnail Singh and his brother Amar Singh along with his relatives Gurdeep Singh and Balvir Singh had purchased 11 Marlas of land out of same in the name of their relative Gurpreet Singh son of Surjit Singh and constructed a Wall in their respective share, but they were not satisfied with the same and wanted to take possession of entire land due to which, on 30.10.2021, in the night, he dismantled the said wall and tried to take possession of remaining land. On coming to know about the same, panchayat was convened. On 02.11.2021, the complainant along with his son Bakshish Singh and Kabal Singh, Rishpal Singh, Gurmeet Singh, Sukhwinder Singh, Jang Singh and Lakhwinder Singh, reached outside the house of Jarnail Singh, near the disputed land, and the other relatives and panchayat members were yet to come present there. However, on seeing the complainant party, accused Jarnail Singh armed with 12 bore rifle, his brother Amar Singh armed with 12 bore gun, Joginder Singh armed with Dang. Surjit Singh @ Baggu armed with 12 bore, Gurpreet Singh son of Jarnail Singh armed with 315 bore, Gurnam Singh armed with pistol, Harpreet Singh armed with 12 bore, Gurdeep Singh armed with 12 bore, Jassu armed with 315 bore, Waryam Singh (petitioner) armed with revolver and Gulzar Singh came out of the house of Jarnail Singh, followed by Surjit Kaur wife of Jarnail Singh, Sumitra Bai wife of Gurdeep Singh and Paramjit Singh armed with Hockey stick, Kalu son of Amar Singh armed with Kappa, Amar Singh's son armed with Barchha, Pritam Singh Ex. Member Panchayat, Gaggi son of Pritam

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Singh armed with Kirpan. Joginder Singh armed with 315 bore and Raju son of Balvir also came out of house of Jarnail Singh, accompanied with 4-5 unidentified persons. They (complainant party) asked Jarnail Singh about dismantling the wall. Gurbhajan Singh and Pritam Singh intervened and raised lalkara, whereupon Waryam Singh fired shot from his revolver which went above his head and thereafter, Gurpreet Singh fired shot from his 315 bore rifle, which hit at head of his son Bakshish Singh. Jarnail Singh also fired two shots from his 12 bore rifle, one of which hit the chest of his son Kabal Singh and the other hit the abdomen of Rishpal Singh. In the meantime, Malkit Singh fired shot from his 12 bore rifle, which hit at the face of Kabal Singh. Harpreet Singh fired shot of 12 bore rifle, which hit in the stomach of his son. Bakshish Singh. They raised hue and cry and the assailants fled away from the spot. Kabal Singh and Bakshish Singh succumbed to the injuries and Rishpal Singh was seriously injured. The post mortem report of Bakhshish Singh is Annexure R-1. The post mortem report of Kabal Singh is Annexure R-2.”

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. Counsel further 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.

5. The State's counsel as well as counsel for the complainant oppose the bail and refer to the reply.

REASONING:

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Evidence against the petitioner

Statement of complainant and eye witnesses, but later on the petitioner was declared innocent as stated above.

F. Role of the petitioner

As per complainant, the petitioner was armed with revolver and he fired shot towards Mahinder Singh which passed over his head. Later on the petitioner was found innocent by SP (Inv) Ferozepur.”

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7. On the application moved by the son of petitioner, further investigation was conducted and finally concluded the inquiry, relevant portion is extracted below:-

“On the basis of the aforesaid findings, Superintendent of Police (Inv), Ferozepur found Waryam Singh (present petitioner) and Gurbhajan Singh son of Sucha Singh as innocent and submitted his enquiry report dated 12.11.2022 before Senior Superintendent of Police, Ferozepur, who also agreed with the same.”

8. Allegations against the petitioner are that he in connivance with other persons, attacked the complainant party and he was having a revolver in his hand and he fired shots. During the course of investigation, he was found innocent and two views are possible in this case, as such this Court deems it appropriate to grant one opportunity to the petitioner to course correct.

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 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. 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, when he was declared innocent by the investigator during interrogation.

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

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.

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.

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.

CONDITIONS:

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

17. 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 (CrI.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

18. 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

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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.

19. 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."

20. 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.

21. 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.

22. 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

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desirable to impose the following additional condition.

23. 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.

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

25. 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.

26. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

(ANOOP CHITKARA)
JUDGE

28.10.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.