

CRM-M-56388-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56388-2024
Reserved on: 15.02.2025
Pronounced on: 28.02.2025

Satvir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Thakur, Advocate (Through VC)
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
96	09.09.2024	Division No.4, Jalandhar Commissionerate	109, 351(2), 324, 3(5), 61(2) of BNS 2023

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. In paragraph 10 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 succinctly, the factual matrix of the matter is that FIR (supra) was registered on the statement of Complainant Gurmohan Singh, who stated to the police on 09.09.2024 that he is an Advocate. He was attorney of his friend Amarpreet Singh Aulakh, who had a property dispute with Balraj Pal Dosanjh and others. Complainant was pursuing said litigation. On 19.08.2024 at about 09:27 am, he received threats on his whatsapp number from no.001-437-900-4436 of Manni Dhillon that the above said property is of his sister Balraj Pal Dosanjh and her children and that complainant would not pursue said case or he had to face dire consequences as said property had been purchased by Judicial and

CRM-M-56388-2024

Revenue Officers and that the accused party would win that case easily with the help of said officers.

It is further stated by the complainant that he moved complaint to the police on 19.08.2024 in this regard. Complainant issued legal notice to Rajesh Verma for not selling the disputed property. Latter told complainant that said property had been purchased by Retired Sessions Judge, Kishore Kumar and his brother Retired Tehsildar Manohar Lal. Complainant also came to know that said threat call was made by Danny and Nishi under the influence of said officers.

It is further stated by the complainant that on 08.09.2024 at about 08:20 pm his family members were present in the house. His wife Suniti heard noise of cartridges shots outside her house. She went out and found traces of cartridges on the main gate. She made a call to complainant. Latter reached home and on checking CCTV footage found that one unidentified person was firing at the gate of his house and the other person was making video of said incident. After some time, complainant received whatsapp call on his mobile from no.001647-716-2994 of Jay Canada Mamee (on truecaller) asking to withdraw the case of Amarpreet Singh or they would kill him in his chamber on 10.09.2024. On these allegations, FIR was lodged.”

4. The petitioner's counsel submits that he has been falsely implicated in the present FIR on the basis of disclosure statement. He further 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 and refers to the reply.

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

“8. During interrogation accused Dhruv disclosed that on 08.09.2024 he had done recce with Pawan @ Karan of house of Complainant and on the same day at about 08:30 pm again they had gone there and fired shots at the main gate of said house on the asking of one caller from Canada and for that purpose they were given Rs.25,000/- and remaining Rs. 25,000/- were yet to be sent. He further disclosed that the weapons used in that occurrence were got arranged from accused Jatinder Singh alias Bhola and Satvir Singh (present petitioner). 10 live cartridges of pistol were provided to them by Gopa resident of village Fayali, Kapurthala Road. A few days ago, these 10 live cartridges were given to them by

$$X \qquad x \qquad x \qquad x$$

REASONING:

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.

CRM-M-56388-2024

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. 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.

15. 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as 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 firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond 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 from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in 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.

17. 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,

CRM-M-56388-2024

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."

18. 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.

19. **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.**

20. 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.

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

28.02.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.