

CRM-M-53877-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53877-2025
Reserved on: 01.10.2025
Pronounced on: 29.10.2025

Varinderpal Singh and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Nakul Sharma, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

Complaint No.	Court	Police Station	Sections
CIS No.COMI/4 3/2023	JMIC, Ferozepur	Mamdot	302/323/427/148/149 IPC and 25/27/54/59 of Arms Act

1. The petitioners apprehending arrest in the complaint captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In Note 2 of the bail petition, the petitioners declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the order dated 02.08.2025 passed by the PCS Judicial Magistrate, First Class, Ferozepur, which reads as follows:

“Brief facts of the complaint as stated by the complainant are that, she is residing at the above said address. That Kanwaljit Singh @Raman, who is brother-in-law (jeth), is resident of above mentioned address and is an agriculturist and is Sarpanch of village Bodal. Varinderpal Singh son of Bahal Singh is having his land adjoining to the house of Kanwaljit Singh. Varinderpal Singh has kept roori along with the wall adjoining to the gate of house of Kanwaljit Singh, who was earlier told by Kanwaljit Singh

CRM-M-53877-2025

being Sarpanch many a times to lift his roori, but he did not lift his roori. On 20.12.2021 at about 3:30 PM, Varinderpal Singh along with his Tractor-Trolley came there and was blowing horn, as car make Hyundai Verna belonging to above said Kanwaljit Singh was parked in front of his own house and on hearing horn, Kanwaljit Singh came out of his house, the complainant also came out of her house and saw that Varinderpal Singh was arguing with Kanwaljit Singh to take his car a side, so that he could take his tractor-trolley ahead, then Kanwaljit Singh told that he will get it aside after bringing keys from his house. Then Varinderpal Singh told to Kanwaljit Singh that he parked his car intentionally for want of creating a tussle and settle the issued with them. On this, Varinderpal Singh along with his Tractor- Trolley went from there and after few minutes, he along with his father-in-law Kehar Singh son of Bahal Singh armed with baseball bat, Yadwinder Singh armed with Kirpan, Rubinder Singh @ Gaggi son of Kehar Singh armed with Kapa, accused residents of village Bodal and 5/6 unknown persons came there. On coming, Varinderpal Singh raised Lalkara to teach lesson for parking car on the way. Then on this Kanwaljit Singh came out from his house, while he was coming from his house, Kehar Singh gave a blow with his baseball bat upon Kanwaljit Singh which hit on left side of his head then Yadwinder Singh gave a blow of his Kirpan upon Kanwaljit Singh then Kanwaljit Singh raised his left hand to ward off the blow of Kirpan, then reverse side of Kirpan hit on his left hand. Kanwaljit Singh raised alarm of Marta-Marta and then younger brother namely Rajinder Singh @ Pamma, who is husband of complainant, came out of the house who has having his licence Pistol. Then Rubinder Singh @ Gaggi gave a Kapa blow upon Rajinder Singh @ Pamma which hit him near knee of left leg, due to which Rajinder Singh fell down. While falling, Rajinder Singh save himself fired to towards assailants. Varinderpal Singh above said was standing nearby, snatched Pistol of Rajinder Singh @ Pamma and fired on Rajinder Singh @ Pamma and fire hit at below testicals on the thigh. Complainant and others raised raula of Marta Marta, on which Kuldeep Singh @ Deepa son of Gurcharan Singh resident of Khunder Uttar, who is cousin of Rajinder Singh, came at the spot by chance, who took Rajinder Singh and Kanwaljit Singh to the Civil Hospital, Guruhar Sahai where they were referred to GGS Medical College and Hospital Faridkot. Rajinder Singh @ Pamma was declared dead by the doctors present there. Kanwaljit Singh @ Raman son of Swaranjit was admitted in emergency Ward for treatment. The whole of occurrence from start to end was seen by complainant. That cause of enmity and occurrence is that all the accused

connived with each other and to take revenge of lifting roori natural manure and caused the murder of Rajinder Singh @ Pamma with fire arm and caused injuries to Kanwaljit Singh @ Raman and accused Varinderpal Singh also took away pistol of Rajinder Singh @ Pamma deceased and while going away also caused damaged to car make Hyundai Verna. It is also mentioned here that Rajinder Singh @ Pamma was a commission agent and Kehar Singh etc sold their agriculture produce through the commission agency of Rajinder Singh @ Pamma and they have dealing with each other and a heavy amount of Rajinder Singh @ Pamma was due against Kehar Singh etc and Kehar Singh etc also executed an agreement to sell their 2 Acres of land in favour of Swaranjit Singh but lateron, Kehar Singh sold the said land to some other person and a compromise was effected between the parties and Kehar Singh issued cheques for the outstanding amount in Panchayat and out of that cheques, one cheque for an amount of Rs.7.5 Lakh was got encashed by Rajinder Singh @ Pamma through the account of Kuldeep Singh, who is his cousin, and some other amount is still due towards Kehar Singh etc. On this, Yadwinder Singh threatened Rajinder Singh @ Pamma on phone why he encashed cheque from his account as he wants to go abroad and his visa will be rejected and the said conversation as got recorded and the same will be produced at the time of evidence and lateron Rubinder Singh got registered a false against Swaranjit Singh and Kanwaljit Singh. That on the statement of Kanwaljit Singh @ Raman son of Swaranjit Singh, DDR No.25 Dated 21.12.2021 was registered at P.S.Mamdot at 9:10 Hrs. Another DDR No.40 Dated 22.12.2021 at 21:21 Hrs U/S 302/323/427/148/149 IPC was registered in P.S.Mamdot confirming the statement of Kanwaljit Singh to be true and correct after verification and investigation. But till date police has not arrested accused persons rather have cancelled the version of Kanwaljit Singh @ Raman. The cross version stands cancelled by the police because of political pressure and their influence on the police, hence this complaint is being filed by complainant before this Hon'ble Court. That occurrence took place at village Bodal, within the limits of P.S.Mamdot which falls in the jurisdiction of this Hon'ble Court and as this Hon'ble such Court has got jurisdiction to entertain, try and decide the present complaint. Hence this complaint."

4. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. Counsel further submits that the petitioners would live like

CRM-M-53877-2025

decent human being and they have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat 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 complaint, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioners shall have no objection.

5. Counsel for the complainant and the State oppose the bail.

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

“12. That since Special Investigating Team found the version of DDR as false and as such Ramanpreet Kaur wife of Rajinder Singh alias Pamma filed private criminal complaint no.COM1/43/2023 in the Ld. Trial Court in which the present petitioners including Yadwinder Singh as were summoned as accused vide Order dated 02.08.2025. Yadwinder Singh has reportedly died. The complaint is now fixed for 3.10.2025 for presence of petitioners through non bailable warrants.

A. PMR of the victim(s).

B. Post mortem report of Rajinder Singh alias Pamma is enclosed as Annexure R-1.

B. Weapon(s) used.

As per complainant of DDR, Varinder pal Singh after snatching the pistol from Rajinder Singh, fired shot towards him.

C. Weapon and injuries attributed to the petitioners.

As per investigation of the SIT, the cross version DDR was found to be false, but as per complainant of DDR, Varinder Pal Singh after snatching the pistol from Rajinder Singh. fired shot on him.

D. The evidence based on which the petitioner was arraigned as an accused.

The petitioners were summoned as accused by the Ld.Trial Court on the basis of private criminal complaint filed by respondent no.2.

E. The evidence against the petitioner.

Evidence of CW-1 to CW-7 lead by respondent no.2/complainant in the Ld. Trial Court.

F. The role of the petitioner.

As per the observations of the Ld. Trial Court, the Trial Court summoned the petitioners as accused by holding that prima facie case is made out against them on the basis of evidence led by the respondent no.2/complainant.”

CRM-M-53877-2025

REASONING:

7. It would be appropriate to refer to following portion of the statement of doctor who conducted the PMR:-

“The cause of death in this case in our opinion is hemorrhage and shock consequent upon fire arm injury to left lower limb which is sufficient to cause death in ordinary course of nature. Clothes of the deceased were sealed and handed over to the police. Bearing seal AK along with sample seal. The postmortem report of Rajinder Singh @ Pamma S/o Swaranjit Singh R/o village Bodal PS Mamdot, Distt. Ferozepur is Ex. CW5/A and pictorial diagram showing seat of injuries is Ex.CW5/B.”

8. Allegations against the petitioners are serious in nature, but considering the fact that this is a case of version and cross version and SIT found the version of complainant false, as such there are two views which favours the petitioners and their undertaking to live in decent manner, this Court is inclined to grant them bail.

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.

11. Given the above, the penal provisions invoked 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 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 petitioners make 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 petitioners are not required in any other case, the petitioners shall be released on bail in the complaint 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 Ilaka 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 petitioners 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 petitioners’ 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 petitioners 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 petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners 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 petitioners 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 petitioners, it becomes paramount to protect the members of society, and incapacitating the accused would be

CRM-M-53877-2025

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.

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 complaint, 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 petitioners violate 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 petitioners move 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 petitioners also abide by the assurance made on the petitioners' behalf by not repeating the offence or indulging in any crime, it shall be

CRM-M-53877-2025

desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioners repeat 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 complaint, 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 petitioners-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

29.10.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.