

CRM-M-57918-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57918-2024
Reserved on: 07.07.2025
Pronounced on: 25.07.2025

Satnam Singh alias Satta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR/DDR No.	Dated	Police Station	Sections
77	22.05.2024	Dinanagar, District Gurdaspur	452, 324, 34 IPC (Section 326 added vide Rapat No.28 dated 06.06.2024 and Section 307 IPC added later on vide Rapat No.38 dated 14.08.2024)

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 the petition, the petitioner is silent about criminal antecedents, however as per the custody certificate dated 05.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	161	03.08.2012	307/323 IPC	Dina Nagar
2	32	24.09.2012	107/151 CrPC	Dina Nagar
3	110	19.06.2013	42 of Prison Act	City Gurdaspur
4	145	2006	326/323/324/148/149 IPC	Dina Nagar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are as that the complainant Surinder

Kumar was got recorded his statement to ASI Naresh Kumar of Police Station Dinanagar on 22.05.2024, wherein he alleged that on 18.05.2024 at about 10:45 PM, somebody rang doorbell of his house and when he went outside, Jobanpreet Singh gave dagger (kirch) blow on the left side of his chest. Satnam Singh (Petitioner) was also present there, who gave dagger (kirch) blow in his right eye. He ran inside his house and fell down in his court yard, upon which all the accused entered inside and Baljit Singh gave dagger (kirch) blow on his head. Thereafter all the accused ran away from the spot along with their respective weapons. The motive behind the incident was stated to be previous enmity between the parties due to some money dispute.”

4. The petitioner's counsel 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. 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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions 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 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:

“That it is humbly submitted that as per opinion of Board of Doctors that "Injury No 1 which was kept under eye/ophthalmologist opinion, as per the opinion from Dr. Raman Mittel (EMC Hospital Amritsar) which states right globe rupture which orbital hematoma and fracture of lateri wall and supra orbital margin of right. As per CT scan done on dated 19.05.2024 comes in grievous in nature, Injuries 2, 3, 4&come under simple. Hence the offence under section 326-IPC was added in this case vide GD No. 28 dated 06.06.2024.”

REASONING:

7. Perusal of the status report shows that this is a case of version and cross version. Relevant para is reproduced hereunder:-

“19. That it is pertinent to mention here that the MLR No. CHC/247/SING

dated 18.05.204 of the petitioner Satnam Singh @ Satta was received. So as per the statement and MLR of the Petitioner the offence under section 324, 34-IPC was made out. Hence the Cross case under section 324, 34-IPC later on Section 326-IPC (Added in cross case vide GD No. 33 dated 28.05.2024) was registered against 1) Jashan Saini, 2) Mandeep Saini, 3) Subash Saini and 4) Surinder Kumar (Complainant).”

8. Allegations against the petitioner are grievous in nature but considering the fact that this is a case of cross version and the undertaking given by the petitioner, this Court deems it appropriate to give one opportunity to the petitioner to course correct.
9. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
10. Per paragraph 6 of the bail petition, the petitioner has been in custody since 26.05.2024. Per the custody certificate dated 05.07.2025, the petitioner’s total custody in this FIR is 01 year, 01 month & 09 days.
11. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further 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.
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 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.
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.
16. 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

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circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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 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.

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. 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.

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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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions 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. 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.

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

(ANOOP CHITKARA)
JUDGE

25.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.