

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59052-2024
Reserved on: 06.03.2025
Pronounced on: 26.03.2025

Hasanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mansur Ali, Advocate and
Mr. Vikas Sheel Verma, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0065	12.03.2024	Mataur, District SAS Nagar, Mohali	307/506/148/149 IPC and Section 25 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 7 of the bail petition, the accused declares that he 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 with regard to the subject matter of the present petition, it is submitted that case/FIR No.65 dated 12.03.2024 under Section 307, 506, 148, 149 IPC and Section 25 of Arms Act was registered at PS-Mataur, District SAS Nagar against Jaspreet Singh Sethi, Parambir Singh Dhaliwal, Chan Sohi, Vivek, Gill and 15 other unknown persons on the statement of Gurwinder Singh that he is the owner of RG Records Music Company and that on 12.03.2024, at about 12:10 AM, he was standing near Jubilee Walk along with his brother Sukhwinder Singh and Loveleen Toor. At that time, Hasanpreet Singh (petitioner) approached him and asked whether the complainant was on talking terms with Jaspreet Singh Sethi, to which the complainant replied that he was not on visiting or talking terms with Jaspreet Singh Sethi. Upon hearing this, Hasanpreet Singh (petitioner) left the spot. Thereafter, at approximately 12:15 AM, the complainant's brother

Sukhwinder Singh received a call from Jaspreet Singh Sethi, who expressed his desire to meet them. Sukhwinder Singh informed him that they were outside Gate No. 2 of Homeland. While waiting for Jaspreet Singh Sethi, a black Thar vehicle bearing registration no. PB-10-HX-3232 arrived. Jaspreet Singh Sethi along with three other persons alighted from the vehicle, with their faces covered by cloth, except for Jaspreet Singh Sethi, whose face was uncovered. Subsequently, another black-colored Endeavour car bearing registration no. HR-26-BK-2627 and a black Scorpio vehicle also arrived at the spot. One of the vehicles had a number plate starting with the letters "JH," with the rest of the plate covered by cloth, while the number plate of the Thar was also covered. Approximately 15 to 20 persons alighted from the vehicles, all of whom had cloth tied around their faces. Thereafter, Jaspreet Singh Sethi began verbally abusing the complainant and his co-accused started manhandling them. Jaspreet Singh Sethi instructed his co-accused that Gurwinder Singh should not be left alive. With the intention to kill the complainant, Jaspreet Singh Sethi and his co-accused opened fire at him. The accused fired approximately 5 to 6 rounds, narrowly missing the complainant and his associates, who barely managed to escape. Upon hearing the gunshots, a crowd gathered at the scene, which prompted Jaspreet Singh Sethi and his co-accused to flee the spot in their respective vehicles, taking their weapons with them. They also threatened the complainant, stating that they would kill him. The motive for the attack was jealousy on the part of Jaspreet Singh Sethi, stemming from the complainant's establishment of RG Music Company. The complainant is acquainted with some of the co-accused of Jaspreet Singh Sethi, including Parambir Singh Dhaliwal, Chan Sohi, Vivek and Gill and believes that these individuals pose a threat to his life. Accordingly, appropriate legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Sections 307, 506, 148, 149- IPC and Section 25 of Arms Act, therefore, case/FIR No.65 (supra) was registered, and the investigation commenced.

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 State's counsel opposes bail and refers to the status report.

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

"6. That during the investigation, the complainant got recorded his supplementary statement wherein, besides reiterating the earlier stated facts, he stated that on the day of the incident, Hasanpreet Singh (petitioner) was also present with the aforementioned accused persons, who assaulted and attacked him with the intention to kill. Accordingly, the role, of Hasanpreet Singh (petitioner) in the commission of the offences in the present case/FIR No. 65 (supra) also came to light and he was subsequently named as

an accused in the present case/FIR No. 65 (supra) on 04.08.2024.”

7. Initially the petitioner was not named in the FIR and named by the complainant in supplementary statement and no specific role is attributed to the petitioner. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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)	

13. 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.

14. 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.

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 (Crl.) 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, 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 release from prison 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.

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, 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. 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.

19. 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.

20. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

26.3.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.