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

CRM-M-768-2024

Decided on: 07.03.2025

Rishi Seth

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Varun Goyal, Advocate,
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
206	03.07.2023	Sadar District Police Commissionerate Amritsar	307, 34, 120-B IPC and Sections 25, 27, 54, 59 of Arms Act

1. The petitioner, who was complainant, has come up before this Court by filing the present petition under Section 439(2) CrPC for cancellation of bail granted to respondent No.2 by the Additional Sessions Judge, Amritsar, vide order dated 19.09.2023.

2. Mr. Varun Goyal, Advocate has put in appearance on behalf of respondent No. 2 having been engaged by respondent No.2 directly.

3. Given above, Mr. Jatinder Nagpal, Advocate, who was appointed as legal aid counsel on behalf of respondent No. 2 vide order dated 05.03.2025 is discharged at this stage.

4. Counsel for the petitioner, who was the complainant/victim, seeks cancellation of bail granted to respondent No.2. However, bail was granted to respondent No.2 way back on 19.09.2023 and except for one incident as alleged by the petitioner, there is no further allegations against respondent No. 2. It is also clear that respondent No.2 had got regular bail not anticipatory bail and before that he was already in custody for some time.

5. Counsel for respondent No.2 submits that he undertakes not to hamper with the investigation, threatened the complainant or any of the victim or delay the trial in any manner.



6. Counsel for the petitioner/complainant submits that in case this Court is not inclined to allow the present petition cancelling the bail, stringent conditions be imposed including expediting the trial.

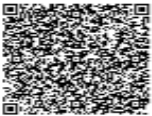
7. In the entirety of facts and circumstances, the present petition is disposed of with the following additional conditions in addition to the conditions already imposed:

a) Given the background of allegations against respondent No. 2, it becomes paramount to protect the complainant/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, respondent No. 2 shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, respondent No. 2 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.

b) Given the nature of the allegations and the other circumstances peculiar to this case, respondent No. 2 shall not enter the property, workplace, and residence of the victim/complainant 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 (Cr.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

c) He 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.

8. It is clarified that in case respondent No.2 fails to comply with any of the conditions, it shall be permissible for the petitioner/complainant to file an application for



cancellation of bail before the trial Court and the trial Court shall be fully competent and authorized to cancel the bail on this ground alone.

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

07.03.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.