

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63439-2024
Reserved on: 10.07.2025
Pronounced on: 16.07.2025

Surinder Kumar @ Sonu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
37	15.02.2024	Dasuya, Hoshiarpur	307, 326, 325, 324, 506, 120-B, 148, 149 IPC and 25(6), 27 of Arms Act

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. Per paragraph 7 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	45	20.02.2024	25, 27, 54, 59 of Arms Act and 307, 186, 353 IPC	Dasuya, Dis- trict Hoshiarpur

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement of Gurdeep Singh @ Ravi son of Nanak Singh resident of of Ward No. 06, Miani, Police Station Tanda District Hoshiarpur aged about 26 years, mobile No. 76528-xxxxx. I would like to state that I am resident of above noted address and I am agriculturist by occupation and I am unmarried and living with my parents. My brother Manjit Singh is living separate from us. Today I was present in my house then at around 2.00 PM, I came to know that my brother Manjit Singh went to village Passi Bet Police Station Dasuya near Beas river where he received fire arm injury, then I immediately

reached at Passi Bet near river Beas where my brother was laying on the Dhussi bridge and there was a fire arm injury on his left foot and injuries on his left hand and on asking about it, my brother has informed me that I came here to fulfill the need of drugs, then Raj son of Barr resident of Budhawala, Police Station Bhaini Miyan Khan direct Gurdaspur has caused fire arm injury to me. Guggi and Happy were with him who are residents of village Budhawala, Police Station Bhaini Mian Khan District Gurdaspur and they have also caused injuries to me with Datar and 3-4 more unknown legal persons were with them. I arranged vehicle and got my brother admitted in Chandigarh Dasuya, where he is under treatment. You are requested that legal action be taken against the above said persons. Sd/- Gurdeep Singh, attested by Sd/- Sarabjit Singh.”

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.

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:

“ROLE OF THE PETITIONER:-

That during the investigation, petitioner was nominated as an accused in the present FIR on the disclosure statement of co-accused Shubham Kumar Ghuggi on 20.03.2024 and petitioner was arrested in the present case vide DDR No.20, dated 27.03.2024 and as per the abovesaid disclosure statement of co-accused Shubham Kumar Ghuggi, petitioner was armed with Dattar and had inflicted injuries to Manjit Singh Sunny/victim on his hand. Furthermore, weapon used in the offence has been recovered and petitioner has actively participated in the commission of crime with other co-accused in causing injuries to injured/victim.”

REASONING:

7. Petitioner was nominated on the basis of disclosure statement and the injury attributed to him is on hand, which is not a vital part of the body.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 7 of the bail petition, the petitioner has been in custody since 27.03.2024. Per the custody certificate dated 09.07.2025, the petitioner's total custody in this FIR is 01 year, 03 months and 12 days.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the

prima facie analysis of the nature of allegations, role of the petitioner and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

11. 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.

12. 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.

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 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 (CrL.) 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.

21. **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.**

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

23. 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

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download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

16.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.