



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

**Date of Decision: 21.01.2025**

...Petitioner

## Versus

...Respondent

Present: Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

Mr. Vishal Mittal, Advocate for respondent No. 2.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                         | Sections                                                                     |
|---------|------------|----------------------------------------|------------------------------------------------------------------------------|
| 223     | 05.09.2024 | Sadar Mansa, Tehsil and District Mansa | 333, 118(1) and 3(5) of BNS, 2023 (Section 118(2) of BNS was added later on) |

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 paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts of the case are being taken from translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

*"xxx xxx I am resident of above said address and I work as an labourer. My marriage was solemnised with Rani Kaur resident of Jaga ram tirath district Bathinda about 30 years ago but I don't have any kids and I adopted my daughter my nephew whose name is Rajpreet Kaur and she resides with me and death of my wife Rani Kaur occurred about 7/8 years ago. After her death I solemnised marriage of my daughter about five years ago with Balwinder Singh resident of chahalanwali after that I am residing at my home alone and I do labour in the village and I also have my meals there and if I didn't have any work then I have my meals at my brothers Rajpal Singh's place. On dated 01/09/24 I was at my home on time about 09.30 in the morning two persons of my village who work as a*



*labourer in the village namely Beera Singh son of Chuhar Singh and Preet Singh son of Sadhu Singh resident of Sadda Singh wala came to my house. Preet Singh was holding Gandasa in his right hand and Beera Singh was bare hand and both of them were drunk and they both started yelling together that you don't give us money and you are saying regularly that you don't have money but today we will get back with our money. I said when you will be normal then we will calculate the sum. But they started abusing me but when I opposed this Beera Singh apprehended me and Preet Singh attacked me with Gandassa in his hand on right side of my head which hit me on my right ear and then attacked me again which hit me upon right side of my head and I fell there then I shouted Marta Marta upon hearing my voice my brother Rajpal Singh and my maternal uncle's son Ramdev came there. Then Preet Singh along with Gandasa and Beera Singh flew from the spot. Then my brother Rajpal Singh and Ramdev called 108 Ambulance and got me admitted at civil Hospital Mansa. I was under treatment there then Doctor referred me towards Rajendra Hospital Patiala. I am under treatment there. Reason for enmity is they demanded money from me when they were drunk and I said when you will be alright we will calculate it. Due to this reason they attacked me. Appropriate legal action should be brought against Beera Singh and Preet 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 his family.
5. State counsel appears pursuant to advance notice and submits that no formal reply is required and based on instructions, he opposes the bail.
6. Counsel for the complainant submits that he has no objection in case, this Court grants bail to the petitioner as the matter stands compromised.
7. 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.
8. As per paragraph 7 of the bail petition, the petitioner has been in custody since 05.09.2024. Per the custody certificate dated 20.01.2025, the petitioner's total custody in this FIR is 04 months and 13 days.
9. Given the nature of allegations and the fact that matter stands compromised



between the parties, this Court does not deem it appropriate to keep the petitioner in custody, as such, this case is not for further custodial interrogation or pre-trial incarceration.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and no objection of complainant to bail and the other factors peculiar to this case, there would be no justifiability 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. 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.

13. 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)                                                                                                             |  |

14. This order is subject to the petitioner's complying with the following terms.

15. 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.

16. 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 be at liberty to cancel this bail.



17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. 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.
19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

21.01.2025  
Jyoti-II

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |