

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3711-2025
Reserved on: 13.02.2025
Pronounced on: 19.02.2025

Jagdish Singh @ Disha ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Palvi, Advocate for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
141	26.11.2023	Nakodar Sadar, District Jalandhar	341, 323, 324, 458, 506, 308, 148, 149 IPC (Section 201 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per Note-2 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the brief facts of the matter are; that on 26.11.2023, complainant namely Pardeep Singh stated in his statement that on 25.11.2023, at about 9:30/10:00 PM, complainant was returning home from his well and then a DJ was playing in the street for the marriage of Manpreet alias Mani and complainant took a turn from the street to his house. Some relatives of Manpreet alias Mani, who were smoking cigarettes and loudly abusing, stopped the complainant and started abusing him when he approached them. They were drunk, prompting the complainant to go home.

Complainant further stated that after some time, Manpreet Singh @ Mani armed with a stick; his maternal cousin armed with a baseball bat; another maternal cousin armed with a rod; brother-in-law of Manpreet Singh @ Mani armed with a sword; another brother-in-law armed with a

dattar (Iron blade); another maternal cousin armed with a stick; and another maternal cousin armed with a stick, along with other unknown persons, entered the complainant's house. Manpreet Singh alias Mani, in an attempt to kill the complainant, raised a lalkara (call for challenge) demanding that the complainant should not be left unhurt.

Complainant further stated that the maternal cousin of Manpreet Singh @ Mani struck complainant on the nose with a stick. Subsequently, Manpreet Singh @ Mani struck complainant on the head with a stick with the intent to kill him, and his accomplices threw the complainant on the ground and scuffled with him. In the meantime, the complainant's mother namely Gurjit Kaur called Bagicha Singh and Palwinder Singh over phone. Palwinder Singh arrived at the above-said spot and attempted to save complainant from the above-said persons. However, Manpreet Singh @ Mani also struck Palwinder Singh on the head with a stick.

Complainant further stated that maternal cousin of Manpreet Singh @ Mani struck Palwinder Singh on the forehead with a baseball bat. Brother-in-law of Manpreet Singh @ Mani struck Palwinder Singh on the nose with the reverse side of a kirpan (sword) and another brother-in-law struck Palwinder Singh on the lips with a dattar (Iron blade). Complainant and Palwinder Singh raised cries to save themselves and in the meantime, Bagicha Singh and other persons gathered at the scene. The above-said persons, while hurling threats to kill the complainant and Palwinder Singh, fled from the spot. Therefore, complainant requested to take legal action against the above-said persons."

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

15. That the petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Sukhdev Singh wherein he stated that petitioner is the maternal cousin of Manpreet @ Mani and he had inflicted injuries upon the complainant and Palwinder Singh. Furthermore, Manpreet @ Mani in his disclosure statement disclosed that

the petitioner was carrying a baseball ball bat at the time of commission of offence.

EVIDENCE AGAINST PETITIONER:

16. That as stated above, the petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Sukhdev Singh wherein he stated that petitioner is the maternal cousin of Manpreet @ Mani and he had inflicted injuries upon the complainant and Palwinder Singh. Furthermore, Manpreet @ Mani in his disclosure statement disclosed that the petitioner was carrying a baseball ball bat at the time of commission of offence."

REASONING:

7. The regular bail had already been granted by this Court to the co-accused vide order dated 10.07.2024 passed in CRM-M-31454-2024 where in averments qua compromise between the parties is there.

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. As per paragraph 8 of the bail petition, the petitioner has been in custody since 31.12.2024. As per the custody certificate dated 11.02.2025, the petitioner's total custody in this FIR is one month and ten days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further 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.

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 concerned Court and due to unavailability before any nearest Ilqa 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.

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.

14. 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.

15. 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.

16. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

19.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.