



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRM-M-7212-2025
Date of Decision: 07.02.2025

Amritpal Singh @ Harry ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G, Punjab.

Ms. Ashu Rana, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
92	01.11.2024	Garhdiwal, District Hoshiarpur	117(2), 351(2), 3(5) of BNS (Section 110 of BNS added later on)

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 3(C) of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1), which reads as follows:

“Statement of one Gurkanwal Singh son of Balwinder Singh Resident of Village Mallewal Police Station Gardiwala District Husiarpur Age about 21 years Mob. 82830-xxxxxx Declared that I am a resident of the said address and doing agricultural work. On 30-10-2024 I and my uncle Malkit Singh son of Sewa Singh, aged about 45 years, resident of Mallewal police station, Gardiwala district Husiarpur, both on our respective Ford tractors, were going to Gurbaj Singh alias Baj, a resident of Mallewal, which is outside the village, where they went to get the cement pipe, my uncle Malkit Singh took the tractor and parked it in the



nearby field and the tractor I started to put down the cow-dung loaded it behind, in the meanwhile, my uncle Malkit Singh received a call on his mobile phone in which Varinderpal Singh alias Vicky, son of Manjit Singh, a resident of Mallewal police station, Gardiwala, called and started abusing my uncle, and my uncle also got angry and spoke badly to him. It would be around 8-15 AM that Varinderpal Singh alias Vicky and his cousin Amritpal Singh alias Harry son of Hardeep Singh resident of Malewal police station Gardiwal own their enfield motor cycle and came to the village. As soon as they came, they started abusing and started manhandling my uncle. During this, Varinderpal Singh @ Vicky hit my uncle Malkit Singh on the back with his Kirpan and Amritpal Singh son of Hardeep Singh, holding Baseball in his hand, hit him on the head with the intention of killing him which hit the back of my uncle's head. He stepped on the side and my uncle fainted on the ground but fell down. I screamed killed killed. Then these individuals fled on their motorcycles along with their weapons. I called my brother and told him the whole story. After that, we both put our uncle in the car in an unconscious state and went to Civil Hospital Bhunga for treatment. On the way, we put our aunt Manjit Kaur in the car. When we reached Mastiwal Road, the two men were standing in their car with Manjit Singh, father of accused Vicky, who tried to stop our vehicle and threatened to kill us if we drove our car and brought him to Civil Hospital Bhunga where the doctor gave first aid to my uncle Malkit Singh conducted his MLR, due to my uncle Malkit Singh's head injury, doctor Sahib wrote to take him to a big hospital, and we arranged an ambulance and admitted my uncle to Armaan Hospital Jalandhar near Footwal Chowk Jalandhar for treatment. Given where my uncle Malkit Singh is undergoing treatment and that the accused perons have inflicted injuries on my uncle Malkit Singh due to the land dispute against whom legal action should be taken."

4. Counsel for the petitioner prays bail on the ground that the matter has been compromised with all the victims. He further 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. Counsel for the complainant submits that she would have no objection if the present petition is allowed. However, State counsel opposes the bail and submits that the offence is serious in nature and is attempt to culpable homicide. He further submits



that out of Court compromise is violation of Sections 216/217 of BNS, 2023. He further submits that in case, this Court grants bail to the petitioner, it should be clear that the order of bail should not be estoppel for the prosecution to launch proceedings under Sections 217/218 of BNS, 2023, against the complainant, if so required.

6. Given the nature of allegations coupled with the fact that parties have compromised the matter, it is a cross-version case and that one of the co-accused has been granted bail by this Court vide order dated 07.01.2025 passed in CRM-M-64815-2024, there is no need to call for any status report from the State and this Court would not deny bail, however, it is clarified that this bail order shall neither be considered as a reason to quash the FIR nor shall come as hinderance in the way of the prosecution or the Court in case, there is violation of Sections 216/217 of BNS 2023 (181/182 IPC earlier).

REASONING:

7. 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, compromised the matter 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. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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 Ilqa 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.

11. 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)	

12. This order is subject to the petitioner’s complying with the following terms.

13. 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.

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. 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.

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. 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.

18. Any observation made hereinabove is neither an expression of opinion on the



case's merits nor shall the trial Court advert to these comments.

19. 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.

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

(ANOOP CHITKARA)
JUDGE

07.02.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.