

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12119-2025 (O&M)
Reserved on: 18.03.2025
Date of Pronouncement: 28.03.2025

Pardeep Singh
State of Punjab
Versus
.....Petitioner(s)
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. T.P. Singh, Advocate
for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
3	4.1.2025	Sadar Mansa, District Mansa	331(6), 115(2), 191(3), and 190 BNS

- 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.
- As per paragraph 22 of the bail application, the accused has declared that he has no criminal antecedents.
- The facts of the case are being taken from the reply dated 17.03.2025 filed by the concerned DySP, which reads as follows:-
“(ii) In the statement complainant/injured Kaka Singh had stated that. "I am resident of the above said address and is a agriculturist. About 30 years ago, I was married with Rani Kaur d/o Gurbachan Singh resident of Thuthianwali. My brother-in-law Harminder Singh, is having a daughter named Ramanpreet Kaur aged about 19 years and a son Dilpreet Singh whose age is about 16 years. The wall of the house of my nephew Sukhveer Singh son of Buta Singh aged about 22 years adjoined the wall of my house. About 20-21 days ago my nephew Sukhveer Singh ran away with my brother-in-law's daughter Ramanpreet Kaur and they got married with their consent but without the consent of with the family members. We heard that we all family used to say to my nephew Sukhveer Singh and his family members that Sukhveer Singh has not done well, he has not done well, he has insulted us and my in-law's family. Due to this reason his family has started keeping grudge with us. On dated 01.01.2025, I was laying on the cot in the courtyard of the animal porch in my house, my son

Vicky Singh, along with his family members was laying in front of the veranda, in the room. At that time, it was about 09:30 pm, the light in our veranda was glowing. in the glow of which, I saw that on the stairs on the roof of the house, my nephew Jaspreet Singh @ Jassa son of Buta Singh, armed with an iron pipe, Sukhveer Singh @ Harry son of Buta Singh armed with Iron Ghop, Buta Singh son of Dalwara Singh armed with stick, Binni Singh son of Binder Singh resident of Raipur armed with gandasi, Pardeep Singh son of Binder Singh, resident of Narindrapura armed with an iron rod, came near the cot, Pardeep Singh raised a lalkara and told to Jassa Singh to beat Kaka Singh and teach lesson to him, who regularly says that your son Sukhveer Singh @ Harry has enticed away his brother-in-law's daughter. Meanwhile, Jassa Singh attacked my right knee with his armed iron pipe. I got up from the cot and sat down and Pardeep Singh hit me on the head with an iron rod, then Sukhveer Singh @Harry hit me the right bicep near elbow with the ghop iron of the butt side which he hold in his hand. Buta Singh hit me on left side of the back with his armed stick and Binni Singh hit me with his armed gandasi from reverse on the left shoulder and the Jassa Singh inflicted another blow of his armed iron pipe towards me and while saving myself I got injury on my right hand. I raised hue and cry, on hearing my shouts, my son Vicky Singh came on the spot, he cried loudly that Papa be strong I am coming. Due to this Jassa Singh and others ran away from the spot along with their weapons. The reason for the enmity is that Ramanpreet Kaur daughter of my brother-in-law Harminder Singh as mentioned in my statement, was abducted by Sukhveer Singh, as we have raised objection in this respect, as such, Jassa Singh etc. above mentioned in-connivance with each other had inflicted injuries to us. If my son was not present on the spot, then these people might have killed me. On dated 31.12.2024, my sister-in-law Karamdeep Kaur wife of Satgur Singh who had come to my house to meet the family. My son Vicky Singh arranged the vehicle and got me admitted to Government Hospital Mansa for treatment on the same day. Whole incident was seen in the light of our house and all these persons ran away through on the stairs of our house along with respective weapons. I have got recorded my statement, which is read by my son, which is correct. Action be taken against them."

- (iii) As per MLR No. MLR/07/SJ/CH Mansa/2025 Dated 02.01.2025 (Annexure R-1), pertaining to complainant/injured Kaka Singh, total 06 Blunt injuries were marked by the concerned doctor. Further, as per doctor's opinion regarding nature of injuries dated 05.02.2025, all the injuries were declared simple in nature.
- (iv) On 10.03.2025, As per the order of Hon'ble High Court, above Petitioner has joined the investigation. The Investigation of the present case/FIR is pending for recovery of weapon used in the occurrence. On completion of the investigation proceedings, challan against the accused persons including the petitioner will be presented before the Ld. Court of Illaqa Magistrate Mansa."

4. The petitioner's counsel prays for bail and has no objection in case this Court imposes any stringent conditions, including surrender of fire restriction(s) on entering the property, workplace and the residence of the victim etc. and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portion of the reply as regards the

role of the petitioner, which read as follows:

“4. ROLE OF THE PETITIONER AND EVIDENCES AGAINST THE PETITIONER:-

(i) It would be important to mention here that from the above mentioned facts and statement of the complainant/injured, it has been established on record that all the accused persons including the petitioner in furtherance of their active connivance has inflicted injuries on the victim. It has been specifically mentioned by the complainant/victim in his statement had seen all the accused persons including the petitioner in the bulb glowing in the courtyard of their house, who came through stairs of their house from the adjoining house of the nephew of the victim namely Jaspreet Singh Jassa. It was further disclosed by the victim that accused Jaspreet Singh @ Jassa was armed with an iron pipe, Sukhveer Singh @ Harry was armed with Iron Ghop. Buta Singh was armed with stick. Arshdeep Singh @ Binni Singh was armed with gandasi, Pardeep Singh was armed with an iron rod. Pardeep Singh raised a lalkara, and told to Jassa Singh to beat Kaka Singh and teach him a lesson as Kaka Singh frequently alleged that Sukhveer Singh had enticed away his brother-in-law's daughter. Following this Jassa Singh attacked the victim with iron pipe, which landed on the right knee of the victim. Then Pardeep Singh hit him on the head with an iron rod. That as per the record, injuries were found to be simple, but taken into consideration entire facts that injury was on the most vital part of the body i.e. Head and same has been caused by lurking house trespass during night.”

REASONING:

7. An analysis of the petition, reply and documents placed on record leads to the following outcome:

8. The victim has explicitly named Pardeep Singh as a lone person who had hit him on his head with iron rod. The allegation is duly corroborated by injury on head as per the medical report annexed to the reply. However, as per the medical report, the injury is a lacerated wound of 5cm x 1cm on occipital region on right side of head and it was bleeding. The motive is run away marriage of Sukhveer Singh with Ramanpreet Kaur and it appears that the family took the non-consensual marriage as a humiliation and the petitioner and his accomplices attacked the complainant's family. Although the attack was on head, which is a vital part, but there is a single blow and the force does not appear to be much, which is reflected by absence of fracture and lacerated wound. Normally, the injury on head would lead to dismissal of bail, but in the present case, it appears that the attack was due to social conditioning and the injury was not *prima facie* inflicted with much force.

9. Given above, provided the petitioner is not required in any other case, he 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 Ilaqa 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.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available)	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. 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.

12. 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.

13. 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.

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

15. 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.

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

28.03.2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO