



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M-23508-2025
Date of Decision: 02.05.2025

Raj Singh @ Rajbir Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioners.

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
43	21.03.2025	Sadar Patti, District Tarn Taran	125, 191(3), 190 of BNS and sections 25 & 27 of Arms Act (Section 61(2), 217, 227, 228, 229, 231 of BNS added lateron)

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 5 of the bail petition, the accused declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“xxx xxx

Statement of Gurwinder Singh son of Chanan Singh resident of Bhai Ladhu aged 37 years, M.No.96534-xxxx. Stated that I am resident of above mentioned address and is an agriculturist. That today on 21-03-2025, we were going to village Bandala to play Kabaddi match. Prior to that, I along with Dharampreet Singh alias Preet son of Bhag Singh, Ajaibir Singh son of Salwinder Singh, Salwinder Singh son of Kashmir Singh residents of Bhai Ladhu while travelling on our Scorpio car were returning to Village Bhai Ladhu after picking up paternal aunt's (Bua) son Mangat Singh son



of Tasbir Singh resident of Beharwal. At about 04/4:15 PM, when we reached near the bridge of Village Bhai Ladhu Singh, then the persons on two cars were standing by parking their cars ahead, which were comprised of Harpreet Singh son of Salwinder Singh, Gurchet Singh son of Salwinder Singh, Sukhdev Singh alias Kala son of Sarwan Singh, Gurmail Singh son of Gurdial Singh, Raj Singh son of Ginder Singh residents of Bhai Ladhu and 3/4 unknown persons, who were duly armed with rifles, pistols etc., who stopped our car and raised an alarm (Lalkaara) by saying that Dharampreet Singh alias Preet will not be let to play Kabaddi. His hands, feet will be chopped off. They fired 5/7 shots towards our car. We managed to save our life by running over the above said car and the accused persons ran away from the spot. The cause of enmity is that since the time of conclusion of Sarpanch elections in our village, the dispute is going on. Take legal action against the above said persons. Statement got recorded, heard, which is correct."

4. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State's counsel on instructions opposes bail.

REASONING:

6. The present case is of version and cross-version. As per para no. 5 of the bail petition, no injuries have been attributed. At this stage, it is impossible to find out who is aggressor. However, petitioners are first offender, therefore, they should give one chance to reform their lives, as such, they are entitled to bail.

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 and the other factors peculiar to this case, version and cross-version case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the



petitioners make a case for bail.

9. Given above, provided the petitioners are not required in any other case, the petitioners 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.

10. While furnishing a personal bond, the petitioners 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)	

11. This order is subject to the petitioners’ complying with the following terms.

12. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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.

14. 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. ***This bail is conditional, and the foundational condition is that if the petitioners indulge 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. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

(ANOOP CHITKARA)
JUDGE

02.05.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.