

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44795-2024
Reserved on: 15.02.2025
Pronounced on: 20.02.2025

Amritpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shobit Phutela, Advocate (through V.C.) and
Mr. Jashanpreet Singh Marwaha, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
13	06.06.2024	GRP Abohar	306, 506, 34 IPC

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 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 01.10.2024, the petitioner was granted interim bail, which is continuing till date.
4. The facts of this case are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Sarabjit Kaur wife of Late Sarwan Singh, House No. 776, Street No. 09, Ward No. 21, Harjinder Nagar, Malout, Police Station City Malout, District Sri Muktsar Sahib, aged about 44 years Mobile No. 94635-xxxx, Stated that I am resident of above address and I am a house wife. My husband Sarwan Singh was Truck Driver for the Truck 'Ghoda' of Amritpal Singh son of Dharam Singh resident of Bodiwala Kharak Singh who does work of Commission Agent 'Aarhat' in City Malout. Tyres of

truck of my husband got burst due to which my husband was beaten by truck owner Amritpal Singh and his brother and one driver who is named Baba and resident of Burj Sidhwa. Because of this my husband used to remain troubled from 03-04 days. Today morning at about 03:22 AM my husband called my nephew Gurpreet Singh on his mobile number 98770-xxxxx from his own mobile number 89685-xxxxx and said that I am at train track and upon saying this suddenly the phone got disconnected. I shouted and me and my nephew and Gurpreet and some persons of neighbourhood went to train track and we saw that dead body of Sarwan Singh was lying on train track and train was stopped. In the meantime, police personnel also arrived on the incident site and they searched the clothes of Sarwan Singh in our presence and in left pocket of lower one suicide note was found wherein my husband has written that I, Sarwan Singh son of Karnail Singh resident of Harjinder Nagar, Near Baba Prem Dass, Street Baba Karnail Wali which is in name of my father and today I am going to do suicide. That the reason for this is three persons, first name is Amritpal Singh Wading who is commission agent 'aarhti' and is owner of sheller, 2. Brother of Wading, 3. Driver named Baba who is resident of Burj Sidh. That they have 2 trucks 'ghode' and I started driving their truck and I kept on driving for 25 days. I drove their truck for 20 days before rice 'jhona' season and 05 days during the season and 2 tyres got burst due to some pit hole containing water with some sharp object or stone due to which they caused beating to me in the sheller and they started demanding Rs.12000/- and I requested them and saved my life and these 03 persons did not spare me and they came to house for 2 times and said to my brother Pragat Singh that they will tie me and take me to sheller and said foul words. They caused beating to me for 2 times during wheat 'kanak' season and I took 20 days time from them and saved my life and they started giving me threats on phone that we will take you to sheller and we will make you life our bags 'bori' and they insulted me earlier for 02 times and removed my turban 'dastar' and insulted my hairs 'kesh' and they hurl lot of abuses on phone. That his phone is of Amritpal Wading and number is 98155-xxxxx and I stopped answering to his calls and switched off phone. They are responsible for my death. These 3 persons may be punished appropriately so that no other innocent person has to conduct suicide and these 3 persons are reason for my suicide. That they have caused injustice with me and it should not happen with anyone else. These 3 persons have given lot of troubles and

grief to me due to which I am going to commit suicide and punishment of my death be given to these 3 persons. Whenever I used to start driving truck of some other owner then they used to visit there and insult me and beat me and they used to get me removed from that vehicle and those owners also used to get scared and punishment of my death be given to these 3 persons so that my family can live peacefully. My name is written in Sarwan Singh and in English Sarvan Singh and in Punjabi Sarwan Singh. My husband has ended his life after being troubled from Amritpal Singh commission agent 'aarhti' and his brother unknown and Baba Driver. Legal action be taken against them."

5. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

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

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

3. xxxxxx Allegations leveled in the suicide note are that deceased Sarwan Singh husband of the complainant Sarabjit Kaur was doing job as driver at the truck of Amritpal Singh (petitioner/accused). Two tyres of the truck got burst due to some pit hole containing water with some sharp object or stone. Due to which Amritpal Singh (Petitioner/accused) and co-accused beat deceased Sarwan Singh and they demanded Rs.12000/-from the deceased and beat him two times during the wheat season. Gave threats on phone and insulted two times. Removed turban and insulted the hairs of the deceased and abused on phone. The last words of the deceased are, "These three persons have given lot of troubles and grief to me, due to which I am going to commit suicide and punishment of my death be given to these persons. However, detailed suicide note mentioned in the FIR has already been annexed as Annexure P-1 (page 9-12) by the petitioner with the petition. Further proceeding was conducted at the spot.

REASONING:

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration.

Although 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 the same for the bail stage.

9. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

10. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. 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.

11. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant, witnesses, and members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the victim's property, workplace, and residence until

the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458); and Aparna Bhat v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

13. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon’ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

14. 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.

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

16. **Petition allowed** in terms mentioned above. Interim order dated 01.10.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.