

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-40445-2020
Date of Decision : 23.11.2021**

Arshpreet Singh @ Aspreet Singh Deol @ Rimpa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Navjot Singh, Advocate for the complainant.

(Through Video Conferencing)

ANOOP CHITKARA, J (ORAL)

FIR No.	Dated	Police Station	Sections
125	15.11.2020	Sandaur, District Sangrur.	148,149, 323, 427, 458 and 506 of IPC, 1860

The petitioners, who are apprehending arrest came up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. Vide order dated 04.12.2020, this Court had granted interim anticipatory bail to the petitioner.

3. The brief facts are that on 15.11.2020, the complainant informed the above said police station that on 14.11.2020 being Diwali, his relatives were standing outside the gate and were bursting crackers and at about 9.00 p.m., Palwinder Singh, Mani Singh, Gagandeep Singh, Tarni and Kulwinder stopped in front of their house. They asked my uncle to stop bursting crackers and started abusing. On this, the complainant objected and told that children are bursting the crackers. However, it infuriated the accused who slapped my uncle and removed his turban. Thereafter at 11.30 p.m, the accused persons, broke our outer gate started throwing brickbats inside the

house. When we saw about 25 persons were standing outside in courtyard having sticks, rods, gandase and baseball etc. I have identified Palwinder Singh, Mani, Gagandeep Singh, Tarni and Kulwinder Singh in the light of bulb. Apart from the above persons, Charanjit Singh @ Channa, Fauji Nathu and 20 other unknown persons were standing outside in courtyard, who were abusing and threatening. When we came outside our rooms, Gagandeep Singh gave iron rod blow on the head of my father Lakhvir Singh. Kulwinder Singh gave rod blow on the head of my uncle Jagdeep Singh. Manpreet Singh @ Mani gave stick blow on my arm and chest. Mani Singh gave stick blow on my uncle's hand and also on the back and ribs of my aunt Ranjit Kaur. Rimpa Singh and other persons broke the glass of drawing room with rod. All this led to registration of the FIR captioned above.

3-A. Learned counsel for the petitioner has argued that the petitioner has joined the investigation in compliance of the order dated 15.11.2021 and his custodial interrogation would serve no purpose whatsoever and incarceration before the proof of guilt would cause grave injustice to the petitioner and family.

4. Learned State counsel has not disputed the fact but has opposed the bail on the grounds of seriousness of allegations. However, he submits that in case, this Court is inclined to grant bail to the petitioners then the petitioners should be released on strict and stringent terms and conditions.

5. Given the nature of allegations and injuries attributed to the petitioner there is no justification to deny the bail to the petitioner and no pre-trial incarceration is required. Without commenting on the case's merits and the circumstances peculiar to this case, the petitioners makes a case for release on bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of Cr.P.C., 1973.

6. The petitioners shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Investigator. Before accepting the surety, the Attesting Officer must satisfy that in case the accused fails to appear in Court, then such sureties are capable to produce the accused before the Court, keeping in mind the Jurisprudence behind the sureties, which is to secure the presence of the accused.

7. The furnishing of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order:

- a) The petitioners to execute a bond for attendance in the concerned Court(s). Once the trial begins, the petitioners shall not, in any manner, try to delay the proceedings, and undertakes to appear before the concerned Court and to attend the trial on each date, unless exempted. In case of an appeal, on this very bond, the petitioners also promises to appear before the higher Court in terms of Section 437-A Cr.P.C.
- b) The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the petitioners along with the phone number(s), WhatsApp number (if any), e-mail (if any), and details of personal bank account(s) (if available), and in case of any change, the petitioners shall immediately and not later than 30 days from such modification, intimate about the change of residential address and phone numbers, WhatsApp number, e-mail accounts, to the Police Station of this FIR to the concerned Court.
- c) The petitioners shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.
- d) 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 may be required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioners shall not be called before 8 AM and shall be let off before 5 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. During the trial's pendency, if the petitioners repeat or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the

respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the Cr.P.C.

9. Any Advocate for the petitioners and the Officer in whose presence the petitioners puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

10. In case the petitioners finds the bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioners may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

11. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation per law.

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

13. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

14. Given above, the present petition is allowed.

15. There would be no need for a certified copy of this order for furnishing bonds. Any Advocate for the petitioners can download this order along with the case status from the official web page of this Court and attest it to be a true copy. The Prosecutor shall also verify the downloaded copy by comparing it from the official web page. In case the attesting officer or the Court wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

(ANOOP CHITKARA)
JUDGE

November 23, 2021
Manpreet

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No