

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.24985 of 2024  
Reserved on: 09.08.2024  
Pronounced on: 30.08.2024

Jassi @ Jagpreet Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishneet Singh, Advocate  
for the petitioner.

Ms. Swati Batra, DAG, Punjab  
(Through video conferencing)

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                     | Sections                                                        |
|---------|------------|------------------------------------|-----------------------------------------------------------------|
| 44      | 07.03.2023 | City-1 Abohar,<br>District Fazilka | 324, 323, 506, 148, 149 IPC<br>(Section 326 IPC added later on) |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“(i). Initially, the FIR in qüestion was registered u/s 324,323,506,148,149 IPC against five accused namely (1) Kulveer Singh @ Babbu son of Banta Singh @ Makhan Singh (2) Jassi @ Jashanpreet Singh son of Milkha Singh (3) Jagpreet Singh @ Jassi son of Lakhwinder Singh (present petitioner) (4) Mangat Singh @Mangu son of Chhinder Singh and (5) Chhindi @ Chan Singh son of Puran Singh on the statement of the private respondent No.2-complainant Satpal son of Teja Ram on the allegations that the accused caused injuries to the complainant Satpal and Jatinder Kumar son of Devi Lal (cousin of complainant). It was stated by the complainant that his uncle Devi Lal is running Govt. depot. On 03.03.2023 in the evening, the said Devi Lal was issuing parchis of wheat. The complainant



*was also present with his uncle Devi Lal. There was 8.30 PM but still all the parchis could not be distributed. The said Devi Lal asked the persons present there that the remaining parchis will be distributed in the morning. The accused persons who were in the said persons, started demanding the parchis from the said Devi Lal and threatened the said Devi Lal of dire consequences. Jatinder Kumar son of Devi Lal who is doing job at Chandigarh had come to the village for meeting the family members. On 07.03.2023 at about 12.30PM when the complainant and the said Jatinder Kumar were standing at Burja chowk, Fazilka road, the accused persons came there and caused injuries to the complainant and the said Jatinder Kumar. On raising hue and cry, the accused persons ran away from the spot with their respective weapons.*

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

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

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

***“(v) Detail of recovery of weapons used in the commission of crime***

*(a) One iron rod from the accused Jassi @ Jashanpreet Singh*

***5 Role of the petitioner*** - *The petitioner and co-accused caused injuries to the complainant and his cousin Jatinder Kumar. One of the injuries on the person of the injured Satpal is grievous. The petitioner-accused gave first blow on the face of the victim Jatinder Kumar. The petitioner actively participated in the commission of crime. “*

7. 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.

8. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.

9. 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, 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 petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

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 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.

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. 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. 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.

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

(ANOOP CHITKARA)  
JUDGE

30.08.2024  
*Sonia Puri*

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |