

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-525-2025
Reserved on: 13.02.2025
Pronounced on: 17.02.2025

Surender Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Jahanavi Garg, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

Mr. Aditya Gautam, Advocate and
Ms. Shuchi Sodhi, Advocate and
Ms. Sakshi Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
411	10.07.2024	Kundli, District Sonipat	118(1), 3(5), 351(2) of BNS, 2023

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 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To, SHO, P.S. Kundli, Sir, it is a request that I, Pradeep Kumar S/o Shri Balbir Singh, R/o Village Nangal Kalan and work as a driver. On 06.07.2024, in the evening approx. 7:30 PM I was working in the farms and my uncle's (Chacha), Chand Roop's, farms are attached with ours who are forcibly sowing some of our land and my Uncle's Son, Sunder with Dallu S/o Kabul Singh R/o Nangal Kalan came to me and said that the rest of the land will be sowed by us only. I reverted him that you cannot do this. This conversation

started a quarrel between us and after that I came back to my home. At approx. 9 PM I was sitting outside a shop nearby my home when Surender and Dallu came on a Tractor and as soon as they both stepped out of the Tractor, Dallu came and grabbed me and Surender picked a spade with an intention of killing me, directly attacked my head while protecting myself in defence, my hand got injured. After that Surender again tried to attack me and in defence I stuck my hand in between. After that when, I started shouting for help for my defence then Sundar and Dallu said that we have taught you a lesson today and if you come to this land again, we will kill you. After saying such things, they left. After that, my younger brother took me to the Samanya hospital, Sonipat for my treatment for the injuries given by Sunder and Dallu by the spade. I have threat to my life from them and their family. A strict action should be taken against them.”

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 para no.11 of the status report which reads as follows:-

“11. That the role of the petitioner that has come toward during the investigation is that the petitioner/Surender with co-accused/Satish had a fight with the complainant Pardeep Kumar over sowing the agriculture land on dated 06/07/2024 petitioner/Surender had attacked with Sickel (Kashi) on the complainant Pardeep Kumar with the intention to kill him. He also got recovered the weapon Sickel (Kashi).”

6. Counsel for the petitioner seeks bail on the ground that petitioner is a first offender.

7. Counsel for the complainant opposes the bail on the ground that the injury on the wrist was received as a defensive injury which was aimed at head which is the most vital part of the body. He further submits that it is not a case for grant of anticipatory bail and there is every likelihood of breach of peace.

8. 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.

9. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

10. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is 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 petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. 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.

15. 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.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. 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.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

17.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.