

CRM-M-804-2025 (O&M)
Reserved on: 02.05.2025
Pronounced on: 19.05.2025

Hardev Kaur

State of Punjab & another

Versus

.....Petitioner(s)

.....Respondent(s)

CRM-M-5199-2025 (O&M)

Gurjant Singh and another

State of Punjab & another

Versus

swPetitioner(s)

.....Respondent(s)

CRM-M-5896-2025 (O&M)

Sukhwinder Singh @ Sukhvinder Singh and another

State of Punjab & another

Versus

.....Petitioner(s)

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gulab Nabi Malik, Advocate and
Mr. Sahil Khan Chaudhary, Advocate
for the petitioner(s).

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
152	12.12.2024	Sadar Raikot, District Ludhiana	132, 221, 127(6), 296, 190, 194(2), 351(1) BNS, 2023

1. This order shall dispose of above three petitions i.e. CRM-M-804, 5199 and 5896-2025, as the same arise out of common FIR and roles of all the petitioners are somewhat similar to each other. However, for brevity, facts are being taken CRM-M-804-2025.
2. The petitioner(s) apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In paragraph 18 of the bail petition i.e. CRM-M-804-2025, the accused declares criminal antecedents as under:

FIR No.	Dated	Police Station	Sections
114	8.8.2023	Sadar Raikot, District Ludhiana	323, 324, 148, 149 IPC

4. In paragraph 17 of the CRM-M-5199-2025, the accused declares that they have no criminal antecedents.

5. In paragraph 17 of the CRM-M-5896-2025, the accused-petitioner no.1 declares that he has no criminal antecedents, however, criminal antecedents of petitioner no.2 are as under:

S.No.	FIR No.	Dated	Police Station	Sections
1.	26	8.4.2023	City Raikot, District Ludhiana (Rural)	307, 323, 506, 34, 120-B IPC
2.	114	8.8.2023	Sadar Raikot	323, 324, 148, 149 IPC
3.	136	14.6.2008	Sadar Jagraon	15, 61, 85 NDPS Act

6. The facts and allegations are being taken from the reply filed by the State in CRM-M-804-2025, which reads as follows:

“2. That the brief facts of the case are that on 12-12-2024, the complainant Surinder Singh Inspector, Cooperative Society, Circle Burmi son of Pritam Singh resident of Heran now resident of Akalgarh Kalan, PS Sudhar gave statement to the police that on 12-12-2024, in compliance of order no. SRR/RK2/5017-20 dated 09-12-2024 of Assistant Registrar, Cooperative Societies, Raikot, he was posted as Returning Officer for conducting elections of the Managing Committee of the Tajpur Multipurpose Agricultural Cooperative Society Ltd. Tajpur. Sh. Mandeep Singh and HarjitSingh of his department were also posted as Poling Officers for this election. Papers of some of the candidates during the election process of Managing Committee were rejected technically due to shortcomings in their papers. Those candidates were called and told the reason of rejection of their papers. But the list of those candidates, whose papers were correct, was pasted at the main gate of the premises of Society.

3. That the complainant further stated that the candidates whose papers were rejected along with their supports entered into the room where election process was going on and were wrongfully restrained. The room was locked from outside of the gate. Baljit Singh son of Gurdev Singh the present Sarpanch of the village further instigated the mob by making announcements from the speaker of the village gurudwaras and called his companions namely Gurjinder Singh son of Gurdial Singh, Sukhwinder Singh son of Jagat Singh, Hardeep Singh son of Inderjit Singh, Gurjant Singh son of Joginder Singh residents of Tajpur at the spot. The present Sarpanch of the village namely Hardev Kaur gathered other women of the village and came to the main gate of the society. All these persons made inaudible objectionable remarks against his honour with Loud speaker.

4. That the complainant further stated that the police administration and SDM, Raikot were present at the spot and they told these persons with loud speaker and tried to made them understand that not to create any disturbance in election process. But those persons remained adamant for doing such nuisance at the spot. The police administration called more force at the spot and managed to take out the election staff from the room. The mob from these persons attacked the police officials causing few of the police officials injuries. Baljit Singh son of Gurdev Singh and Sukhwinder Singh son of Jagat Singh residents of Tajpur were leading instigating the mob. Therefore, these 30-35 unknown men and women

wrongfully restrained them from performing their official duty and causing injuries to the police officials. These persons used objectionable language against their reputation and also threatened them. The complainant requested to take legal action against these persons. On this statement, FIR No. 152 dated 12-12-2024 u/s 132/221/127 (6)/296/190/194 (2) and 351 (1) BNS against Gurjinder Singh, Sukhwinder Singh, Gurjant Singh, Baljit Singh, Hardev Kaur, Hardeep Singh and 30-35 unknown male and females was registered in PS Sadar, Raikot.”

7. Petitioners’ counsel, on instructions, has submitted that in case the petitioners are granted bail and they have no objection to imposing of any stringent conditions, and the petitioner(s) further undertake(s) that during the period of bail, they will not commit any offence and in case they commit any offence in which the sentence provided is more than seven years, the State shall be at liberty file an application for cancellation of bail, to which they will not raise any objection.

8. The State’s counsel opposes bail and refers to the reply.

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

“Role of Petitioner:

A. That the petitioner Hardev Kaur is present Sarpanch of the village and women from her village gathered at the main gate of the society under her leadership and these ladies made inaudible objectionable remarks against honour and reputation of the complainant through loud speaker. The mob of the women under the leadership of the petitioner also wrongfully restrained the officials who were on election duty at the spot.”

REASONING:

10. Admittedly, the petitioner in CRM-M-804-2025 is the Sarpanch of the village and more than 70 years of age. Similarly, the other petitioners are also inhabitants of surrounding area. The alleged incident has taken place in the presence of police, due to rejection of nomination papers of 16 candidates during the elections of an agricultural cooperative society. Given the facts and circumstances peculiar to this Court, the allegations against the petitioner(s) as well as the undertaking given on behalf of the petitioner(s), this Court thinks that petitioner(s) should be given one chance to mend their ways.

11. 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.

12. 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, subject to the compliance of terms and conditions mentioned in this order.

13. 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.

CONDITIONS:

14. Given above, provided the petitioner(s) is not required in any other case, he/she shall be released on 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 Ilaqa 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.

15. While furnishing a personal bond, the petitioner(s) 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)	

16. This order is subject to the petitioner’s complying with the following terms. The petitioner (s) shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner(s) 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.

17. The petitioner(s) are directed to join the investigation as and when called by the Investigator. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner(s) 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(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

18. 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(s) notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. It is clarified that if the petitioner(s) violate(s) any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which has been empowered and will be competent to cancel the bail or add more conditions. Furthermore, if the petitioner(s) move(s) for deletion or dilution of any bail conditions, the trial Court is empowered to do so.

20. ***This bail is conditional, and the foundational condition is that if the petitioner(s) indulge(s) in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

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

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner(s) 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.

23. **Petitions are allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

19.05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO