

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2628-2025  
Reserved on: 06.03.2025  
Pronounced on: 19.03.2025

Happy @ Happy Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Ashok Kumar Khunger, Advocate,  
for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

\*\*\*\*

**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                   | Sections                                      |
|---------|------------|----------------------------------|-----------------------------------------------|
| 234     | 07.11.2024 | City-1 Abohar,<br>Distt. Fazilka | 311, 140(1), 115(2), 190,<br>191(3) BNS, 2023 |

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In note-2 of the bail petition, the accused declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“(i). The FIR in question was registered against six accused by name i.e. (1) Happy @ Happy Singh son of Rinku (2) Vikramjit Singh @ Vicky son of Hardev Singh @ Kaka (present petitioners) (3) Vicky son of Roma (4) Heera son of Kaka (5) Ghugi son of Seera (6) Jonty @ Monty son of unknown and 4-5 unknown persons, on the statement of Gurwinder Singh son of Jagsir Singh. It was stated by the complainant that on 04.11.2024 at 1.00/1.30 PM he alongwith Nambardar Manga Singh and other daily wagers were loading paddy in the truck of Shunty in Grain Market, Abohar, where, the accused persons armed with weapons came there on motor cycles and they caused injuries to the complainant. While leaving, the accused snatched mobile phone Make Oppo, Rs.2700/- and silver*

*chain from the complainant.*

*(ii) As per MLR No.SR/46/SDHABH/2024 dated 04.11.2024 (Civil Hospital, Abohar) of the complainant-injured Gurwinder Singh, there are ten injuries on his body.*

*(iii). The injuries No.1, 4 and 6 of the complainant-injured were declared as grievous, so the offence u/s 117(2) of BNS, 2023 was added in the FIR in question vide DDR No.08 dated 07.01.2025.*

*(iv) During the investigation conducted so far, the incriminating evidence has come on file against all the accused including the petitioner. During the investigation, it was found that on 07.11.2024, the complainant was present in Grain Market, Abohar was loading paddy in the truck of Shunty, the accused armed with weapons, came there and caused multiple injuries to him with intention to kill him. While leaving, the accused snatched mobile phone Make Oppo, Rs.2700/- and silver chain from the complainant. The matter is under investigation.”*

4. The petitioners’ counsel seeks bail on the ground of parity with co-accused Harpreet @ Ghugi, who was granted bail by this Court, vide order dated 28.02.2025 passed in CRM-M-5075-2025. He prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State’s counsel opposes bail and refers to the status report.

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

*“4.(a) Role of the petitioners & Evidence against petitioners - The petitioners and co-accused caused injuries as many as ten injuries to the complainant with intention to kill him (including three grievous injuries). The injury No.8 caused with kapa is attributed to the petitioner No.1. The injury No.1 caused with datar, which is grievous, is attributed to the petitioner No.2. The petitioners actively participated in the commission of crime.*

*(b) Evidence against the petitioners – There are sufficient evidence against the petitioners to prove their guilt.*

*(c) The custodial interrogation of the petitioners is required for investigating the case effectively and to recover the weapons (datar from the petitioner No.1 and kappa from petitioner No.2) from them, used in the commission of crime and the articles snatched from the complainant.”*

**REASONING:**

7. Since, the co-accused Harpreet @ Ghugi has already been granted the benefit of bail, as such, the petitioners are also entitled to bail on parity with the said co-accused.
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. 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 petitioners make a case for bail.
10. Given above, provided the petitioners are not required in any other case, the petitioners 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 petitioners 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 petitioners' complying with the following terms.
13. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. 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 required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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. 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 petitioners 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 petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.
19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

19.03.2025  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.