

CRM-M-3636-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3636-2025
Reserved on: 14.05.2025
Decided on: 19.05.2025

Harmandeep Singh alias Harman Singh alias Mundri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parvez Akhtar Dhaliwal, Advocate (through VC)
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. J.K. Singla, Advocate
Ms. Yavina Singh, Advocate and
Ms. Shivani, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
09	31.01.2024	Joga, District Mansa	307, 326, 323, 148, 149, 120B IPC

1. The petitioner, apprehending arrest in the FIR captioned above, came up before this Court under Section 438 CrPC, seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the reply dated 03.02.2025, which reads as follows:

“3(i) Perusal of case file and related record reveals that of 31.01.2024, an information was received from Police Post DMC Ludhiana at Police Station Joga, it was disclosed in the ruqa by them that injured Jagdeep Singh son of Sita Singh, resident of Village Tamkot, District Mansa was lying admitted at DMC Hospital Ludhiana, after sustaining injuries in a fight. On which, ASI Pala Singh No.515/Mansa then posted at Police Station Joga, proceeded along with police party collected the ruqa No.73842 of injured Jagdeep Singh from Police Post DMC Ludhiana and reached at DMC Hospital Ludhiana. After reaching at the hospital, IO (i.e. ASI Pala Singh) had recorded the statement of injured Jagdeep Singh, after obtaining the written fitness opinion from the concerned doctor.

CRM-M-3636-2025

However, on demand of the MLR by the IO, it was disclosed by the concerned doctor that initially injured Jagdeep Singh was admitted at Noor Hospital Barnala, as such, MLR of injured Jagdeep Singh was not prepared by him.

(ii) In the statement, complainant Jagdeep Singh had mentioned that, "I am a resident of the said address and studying in BA 2nd year at Mai Bhago College, Ralla. Shellypreet @ Shelly, Baban Singh and Jaspreet Singh @ Jassu are also studying in the same college. Yesterday, on 30.01.2024, I was going to Dera Baba Jogi Peer, Ralla on my motorcycle no. PB 31 N 2182mark Hero Splendor to pay obeisance. Harpreet Singh Son of Karnail Singh, resident of Tamkot, who is my cousin met me near Punjabi University lying in neighborhood of Baba Jogi Peer, Ralla, I was going towards Dera Baba Jogi Peer on my motorcycle in front of Harpreet Singh who was in his car behind me, when I parked my motorcycle in front of the main gate of the Dera and dig up the soil to bow down, Harpreet Singh stopped his car aside. Meanwhile, Shellypreet Singh @ Shelly S/o Harnek Singh armed with Iron Dallah, Jaspreet Singh @Jassu Janku Ka armed with 'gandasi', Baban Singh armed with a wooden stick 'sotti', all r/o Khiala, Kalu Singh r/o Khiala and 4 unknown persons armed with wooden sticks 'sotties' came at the spot on 3 motorcycles. Shellypreet Singh said that today teach a lesson to Jagdeep Singh for abusing their friend Ram Singh and should not be left alive. By Saying this, they all attacked me with the intention of killing me and caused injuries with their weapons. Shellypreet Singh hit me with his Iron Dah near ankle of my right leg. While I was on floor Jaspreet Singh alias Jassu also hit me with his Gandasi near my same ankle. Other unknown persons caused injuries to me by their armed wooden sticks which hit on my back side, back side of my left shoulder, left bicep, right eye, beneath chin, left leg, ankle of left leg and other parts of my body. Shellypreet Singh and Jaspreet Singh alias Jassu cut off my right leg from the ankle with their weapons. My right foot was separated from my body up to the ankle. Myself and my cousin Harpreet Singh screamed "Marta Marta" due to that some persons gathered for rescue. Shellypreet @ Shelly, Baban Singh and Jaspreet Singh @ Jassu, Kalu and other unknown persons ran away from the spot on motorcycles along with their weapons. This incident happened at around 03 o'clock. The main person behind this are; Shellypreet Singh and Ram Singh. They caused me injuries by asking of Ram Singh. Then Harpreet Singh, my uncle's son, with the help of people, put me in a vehicle and lifted my severed leg up to my ankle and kept it in

CRM-M-3636-2025

the vehicle for treatment and got me admitted yesterday at DMC, Hospital Ludhiana, where treatment is going on, they have handed over my separated leg to Doctor. Motive of the above said act is that earlier I had some quarrel with Shellypreet Singh and Jaspreet Singh. The same has already been forgotten by me but the accused, Shellypreet Singh and others in collusion with each other had caused injuries to me with the intention to kill me. My statement is recorded, heard it, kindly legal action may be taken against the culprits.”

4. On 04.02.2025, petitioner’s counsel had made the following submissions: -

“Learned counsel for the petitioner in asking for the pre-arrest bail submits that after 4 days of the occurrence a supplementary statement of the injured was recorded, wherein, the name of the present petitioner was figured out as one of the unknown assailants.

Further, the status report (supra), voices about the petitioner being one of the assailants who caused injuries to the victim with a wooden stick.

He further submits that the petitioner was not present on the spot at the time of occurrence, rather his mobile phone tower location was of his village, which is at about 10 km. from the place of occurrence, and till date the investigating agency has not inquired into this aspect. Further, there is no incriminating evidence, except the supplementary statement of the complainant/injured against the present petitioner.”

5. The petitioner’s counsel expeditiously refers to para 5 of the bail petition, which reads as follows:-

“5. That the petitioner's name appears to have been added solely on the basis of mobile tower location data of Mobile of the petitioner bearing Mob No.94631-35014. However, records show that on 30.01.2024 and 31.01.2024, the petitioner was in his village, Khiala Kalan, far from the place of the incident. A copy of the tower location data is annexed as Annexure P-2.”

6. 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.

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

REASONING:

8. An analysis of the above arguments would lead to the following outcome.
9. It would be appropriate to refer to paras 3(v) & (xv) of the reply, which reads as

CRM-M-3636-2025

follows:-

“(v) On 05.02.2024, complainant had got recorded a supplementary statement with the IO, in which he had disclosed the names of unknown persons, who had participated in the occurrence on that day to be (6) Harvinder Singh @ Kalu @ Giani son of Gurcharan Singh, (7) Kamaldeep Singh @ Kawal son of Bachhittar Singh, (8) Petitioner Harmandeep Singh @ Harman Singh @ Mundri son of Shingara Singh, all residents of Village Khiala-Kalan, District Mansa, (9) Jagseer Singh @ Jaggu @ Jagsir Singh @ Fauji son of Budh Singh, resident of Village Ralla, (10) Gopi Chakerian, resident of Village Chakerian, District Mansa. On which, all the above named persons were nominated as accused in the present case/FIR, vide DDR No. 42, Dated 05.02.2024.

ROLE OF PETITIONER

That the investigation of present case/FIR, is still in progress for want of arrest of Petitioner Harmandeep Singh @ Harman Singh @ Mundri. As per investigation proceedings, it was found that the Petitioner Harmandeep Singh @ Harman Singh @ Mundri, had inflicted injuries on the person of injured Jagdeep Singh with the wooden stick. In order to recover the wooden stick. i.e. weapon used by the petitioner at the time of occurrence, custodial interrogation of the petitioner is required to the IO. After affecting his arrest and on completion of investigation qua him, his supplementary challan will be presented before the Ld. Trial Court.”

10. Consequently, based on this investigation, the petitioner’s name was added in the supplementary statement.

11. The preliminary investigation conducted so far points out that the petitioner was not only present at the spot but also inflicted an injury with a stick. Although a lower portion of the leg of the victim was amputated due to injury by one of the accused with a knife blow, the present petitioner was well aware of the extent to which the victim was being brutally beaten. There is sufficient prima facie evidence that the injuries that was inflicted upon the victim points towards the worst form of cruelty.

12. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime is brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create significant insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, such an accused ordinarily should not be granted bail. If the courts deem it appropriate to grant bail, it must be after specifying the reasons for such indulgence. In

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

CRM-M-3636-2025

the present case, an analysis of the allegations and evidence collected does not justify granting bail to the accused.

13. Regarding the petitioner's claim that he was not present at the spot, a clear-cut name has surfaced in the supplementary statement of the victim. Although he initially did not refer to the petitioner's name, this Court cannot ignore the fact that the victim would be in trauma because his foot was totally cut off.

14. The stand of the petitioner's counsel is that the evidence collected regarding the petitioner's presence is based on distances measured from Google Maps, which is inadmissible.

15. State counsel submits that the investigator is well within their right to use all scientific tools, and Google is a scientific tool; as such. The State's counsel supports the investigation conducted using Google Maps and submits that the petitioner's presence, as measured by the distance from the Google location, is admissible.

16. Exponential growth of technology is transforming every aspect of our lives across the globe, and the legal system must also sail in this tide, with robust and latest security applications to protect us from drowning. To be a precursor of this technology revolution, we must utilize latest technological tools to aid investigators and to facilitate investigation, keeping in pace with this new cyber world.

17. Regarding the evidentiary value of Google location in measuring distance, the petitioner's argument lacks a scientific basis to claim that Google location is incorrect. No studies have been shown to substantiate the petitioner's dispute of Google's location. In contrast, the widespread use of Google location by the general public and law enforcement agencies highlights the extensive adaptability of such scientific tools. It is widely understood that people use Google Maps even to travel to familiar locations, and the pin drop feature on Google is utilized to share current locations, parking spots, and meeting places, etc. Even our Court for serving the processes, like summons, are using an NSTEP application to tag location, and the same is based on Bharat Map. Therefore, there is no reason for this Court to dismiss the evidence collected by Google's location because just like any other similar digital evidence, the evidence collected from the Google Maps can also be legally proved and if proved, is admissible in evidence, under the relevant provisions of Information Technology Act, 2000 read with Indian Evidence Act, 1873 and in BSA, 2023.

18. Needless to say, at the time of the alleged assault, it would be unfair to accept from the victim about the exact time of the assault. This assumes importance because of the severity of the attack, the massive trauma he would be undergoing, and the pain he would have experienced because of the severing of his leg. It is not only heartbreaking but

CRM-M-3636-2025

shocking for the victim. Even if the complainant did not mention the petitioner's name initially, but later on added the name, it cannot be said with any bias or as a result of reconveyance or to settle some other scores.

19. Although the injury attributed to the petitioner was using sticks, but the intention and the object of the assailants was to cause brutal injuries, which is reflected by severing of the victim's leg.

20. By whatever angle this Court looks into the pleas taken by the petitioner about innocence and non-participation, these are prima facie not convincing. On the other hand, the supplementary statement of the victim naming the petitioner and the investigation of the petitioner using the sticks in the said assault clearly points out involvement in attempt to murder with a common objective and common intention. Thus, the petitioner fails to make out a case for anticipatory bail.

Petition dismissed. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: YES