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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5220-2025
Decided on: 30.01.2025

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Balwinder Singh Chahal, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
220	15.12.2024	Sadar Tarn Taran, District Tarn Taran, Punjab	109, 115(2), 118(1) 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 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1), which reads as follows:

“Head Munshi. Police Station Sadar Taran Taran, Today myself SI/SHO along with ASI Satnam Singh 331/T. Ta. ASI Karamjit Kaur 30/T. Ta, Senior Constable Jaspal Singh 1042/T. Ta. PHG Jagjit Singh 20956 on a government vehicle, whose driver Constable 18 Mukhwinder Singh 1076/T. Ta along with laptop print including investigation bag were present at T Point, Majha College, Tarn Taran on account of search of bad elements and social worker came to me and informed that tomorrow on dated 14.12.2024, at about 06.30, that two laborers Narinder Singh son of Karam Singh resident of Aladdinpur and Pargat Singh son of Roop Singh resident of Bugha, who work in brick kiln at Village Aladdinpur,

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had a quarrel between them due to some trivial matter. The said Pargat Singh came in anger and gave the blow of iron rod on the head of above Narinder Singh with the intention of killing him. He was unconscious due to a blow to his head and fell on the ground and seeing the people gathered, Pargat Singh ran away from the spot. Now Narinder Singh is admitted to a hospital in a serious condition. As a social worker, I can't resisted myself and I am informing you while keeping my identity secret. Legal action be taken against Pargat Singh. The information is found reliable and offence punishable under Sections 109, 115 (2), 118 (1) of BNS is found to be made out against Pargat Singh and on receiving the MLR in the police station, rest of the action will be taken. Therefore, after writing the ruga, the same is being sent to police station through Senior Constable Jaspal Singh No. 1042/T. Ta for registration of the case FIR. After registering the FIR, the number of the same be informed. After issuing the special reports, the same be sent to Senior Officers. Control room be informed. Myself SI/SHO along with police party is going to the spot. Today within the boundary of T Point, Majha College, Tarn Taran. Time: 10.45 PM Sd/- Avtar Singh SI/Station House Officer, Police Station Sadar Tarn Taran dated 15.12.2024. Today at Police Station: At that time, on receiving the above writing in the police station, after registering the above case under above mentioned sections, original writing along with copy of FIR is sent to SI/SHO at the spot for further investigation through S/CT. After preparing the special reports, the same is being sent to Senior Officers and Ilaqa Magistrate Sahib through L/CT Daljinder Kaur 1531/T. Ta. Control room is informed through email. Completion rapat no. 42 dated 15.12.2024.”

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 the bail.

6. Counsel for the complainant/injured submits that they have no objection if the bail petition is allowed as the matter has been compromised.

7. In the given facts and circumstances peculiar to the case, there is no need to call for any status report from the State and this Court would not deny bail, however, it is clarified that this order shall not come in the way of the prosecution or the Court in case, there is violation of Sections 216 Bhartiya Nyaya Sanhita (181 IPC earlier) and 217 Bhartiya Nyaya Sanhita (182 IPC earlier).

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.

10. 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.

11. Given above, provided the petitioner is not required in any other case, the petitioner 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.

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. 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.

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

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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. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges 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.**

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

30.01.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.