

CRM-M-5617-2025
105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5617-2025
Decided on: 31.01.2025

Jacob @ Jacob Gill

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Raman Kumar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
76	23.06.2024	City Nakodar, District Jalandhar Rural, Punjab	386, 342, 506, 511, 34 IPC (Section 364-A added later on)

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

“Statement of Bhagwan Singh Purthi son of Sher Singh Pruthi resident of Mohalla Guru Teg Bahadur Nagar Nakodar PS City Nakodar District Jalandhar aged about 72 years phone number 98148-xxxxx has stated that I am a resident of the above mentioned address and I am an Ex-councilor of Nagar Council Nakodar. I am running a shop in the name of Khalsa Dairy in front of Civil Hospital Nakodar. That on 22.06.2024 at about 10.30 AM my son Navjot Singh Pruthi @ Mani told me that he is going to Baba Muradshah Road South Adda for some personal work. Then at about 11.10 AM I got a whatsapp call from the mobile number of my son Navjot Singh Pruthi @ Mani 98147xxxxx in my mobile number 98148xxxxx. On which some unknown person was on the other side. Who told me that we have apprehended your son while consuming intoxicant. Come and meet us at Lambra. The matter is still with us. We will settle it here only. Who said that you should come to Malri near Taj city-2



CRM-M-5617-2025

Nakodar along with Rs.5,000/-, whereby I told my elder son Jaspreet Singh Pruthi and took him along and arranged the money and went to Taj City-2 Colony Nakodar at the place mentioned by them in my car then that person called me again and asked about the money. I told him that I have got the money. Then that person told us to wait there only. I am sending two of my accomplices on a motorcycle. Then after some time two hindu young men came on a without number motor cycle brand Bajaj Discover from the side of Village Mairi. Who stopped at about a distance of 50 meters from our car. Then that person gave a WhatsApp call from my son's mobile number and said that my accomplices have reached near you.

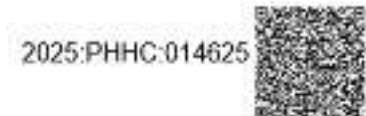
You come out of the car and hand over the money to them. We said that we are not going to get out of the car. They should come to the car to collect the money.

When we did not get out from the car the young men got suspicious and turned their motor cycle towards the side of Jalandhar and ran away. Then I along with my family kept looking for my son Navjot Singh Pruthi. That about 7 PM they dropped my son at the gate of Village Allowal, My son in a worried state called me on my phone and narrated the entire incident. I went and brought my son home. Who told me after coming home that three boys in a silver Swift car bearing no. PB-10-DA-9313 took me from Baba Muradshah Road South Adda Nakodar to Petrol Pump Village Mudh. From there they took me to Jalandhar. I being an Ex-Councilor and a respectable person of the society and due to regularly going to Police Stations and Court I am aware about the good and bad elements of the society. The three boys who had kidnapped my son. Out of them one is Rohit Gill who is with Punjab Home Guard and works at Nakodar Court and my son even told me that they were talking amongst themselves by calling each other Rohit Gill, Gurpreet Gogi and Jacob. My son can recognize them if they are brought in front of him. We were afraid and did not want to inform at the Police Station. But then I gave confidence to my son that they can again do such a thing. They threatened my son that if you inform the police regarding this we will harm you. Appropriate legal action may be taken against the above said persons. This statement is being recorded in the presence of my son Navjot Singh Pruthi. Statement written read over heard and is correct. Sd/- Bhagwan Singh, Navjot Singh Attested/- Harinderpal Singh ASI, PS City Nakodar, dated 23.06.2024.

3. Petitioner's counsel prays for bail on the ground that matter has been compromised. He further 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.

4. Counsel appearing for the complainant submits that he would have no objection if the present petition is allowed. However counsel for the State opposes the bail.

5. Given the nature of allegations coupled with the fact that parties have compromised the matter and that one of the co-accused has been granted bail by this Court vide order dated 20.01.2025 passed in CRM-M-1562-2025, there is no need to call



CRM-M-5617-2025
for any status report from the State and this Court would not deny bail, however, it is clarified that this bail order shall neither be considered as a reason to quash the FIR nor shall come as hinderance in the way of the prosecution or the Court in case, there is violation of Sections 216/217 of BNS 2023 (181/182 IPC earlier).

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

7. 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.

8. Given the above, the penal provisions invoked coupled with the primafacie 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.

9. 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.

10. 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.

11. 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)	

12. 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



CRM-M-5617-2025

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.

13. 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.

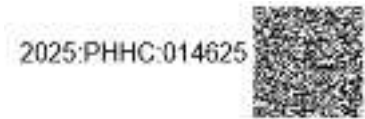
14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been 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.

15. 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.

16. **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.**

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 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.



CRM-M-5617-2025

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

(ANOOP CHITKARA)
JUDGE

31.01.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.