



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224-1

CRM-M-6103-2025
Date of Decision: 11.03.2025

Harnam Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Arshpreet Singh Khadial, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
182	29.12.2024	Nehianwala, District Bathinda	331(6), 115(2), 191(3), 190 BNS

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 paragraph 10 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) attached with CRM-M-9114-2025, which reads as follows:

"Statement of Jaspal Singh, Son of Ajmer Singh, Son of Sarban Singh, Resident Near Bhai Bhagtu Gurdwara Sahib, Nehianwala, Age about 35 Years, Mobile No. 95920-xxxxx, stated that I am a resident of the abovementioned address and work as a carpenter. On 12.10.2024, our entire family was present at home, and at about 10:00 PM when Sandeep Singh, Sonu Singh (sons of Gurbakhsh Singh), Sukhdev Singh (son of Mehar Singh), Jaspreet Singh, Harpreet Singh (sons of Binder Singh), Binder Singh (son of Jagga Singh), Channa Singh (son of Jarnail Singh), Kartar Singh (son of Nazar Singh), Labbhi Singh (son of not known), Harnam Singh, and Sukhdev Singh (sons of Mehar Singh) were bursting firecrackers in the street. When we stopped them and told them not to burst



firecrackers because it scared our animals, they got into an argument with us. We then closed the main gate of our house. The above-mentioned persons climbed onto their roof and entered our roof. Among them, Sandeep Singh was holding an iron spade, Jaspreet Singh had a knife, Binder Singh had an axe, and Sonu was holding a rod. As soon as these persons came onto our roof, they damaged the TV dish antennas, the sheets of the shed where animals are kept, and the stairs. They then entered our house and attacked us. When my sister-in-law Rajvinder Kaur tried to intervene, they beat her as well. We started shouting for help, which attracted the attention of passersby, and a crowd gathered. Upon seeing this, they broke our main gate and fled from the spot with their weapons. Later, my wife Jaspreet Kaur arranged the vehicle and admitted us to the Government Hospital Bathinda, where we received treatment. We were discharged on the date 17.10.2024.”

4. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that further 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 reply.

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

“16. That on 12.10.2024 at about 10:00 PM, Sandeep Singh, Sonu Singh sons of Gurbax Singh, Sukhdev Singh son of Mehar Singh, Jaspreet Singh, Harpreet Singh son of Binder Singh, Binder Singh, Channa Singh, Kartar Singh, Nazar Singh, Labhi Singh, Harnam Singh now petitioner were setting the crackers on fire and the complainant Jaspal Singh asked the above said persons not to do so because their cattle are afraid from the crackers, then the above said persons exchanged heated words against complainant Jaspal Singh. Complainant Jaspal Singh went inside his house and closed the main gate of his house. Then all the above said persons entered into their house from the roof of their house as the above said persons went upside on their house and then by scaling the wall of the house of complainant Jaspal Singh and stepped down and entered into the house of Jaspal Singh. At that time, Sandeep Singh armed with Kappa, Jaspreet Singh armed with spade, Binder Singh armed with gandasa, Sonu armed with iron rod and all the above said accused damaged the two cable dishes, cemented sheets of the cattle shed, damaged the stairs case and also gave beatings to complainant Jaspal Singh. When Rajwinder Kaur came forward to disengage Jaspal Singh, then beatings were also given to



her by the above said persons. Thus, in this way, the petitioners along with their co-accused committed house trespass into the house of complainant Jaspal Singh, damaged the above said articles, gave beatings to Jaspal Singh and his sister in law Rajwinder Kaur. A videography of the above said damaged articles was also captured, so in view of the facts and circumstances of the present case, the petitioners do not deserve the concession of anticipatory bail as they are not law abiding citizens rather they took law into their own hands.”

7. Counsel for the complainant opposes the bail on the grounds that recovery of weapon is to take place. There was an unlawful assembly and when the police went to arrest them, even the police party were attacked, which shows that the criminal mind set of the petitioners.

8. On this, counsel for the petitioners submits that the allegations are false, the truth has not been unfolded. He further submits that he would have no objection in case stringent conditions are imposed.

REASONING:

9. Given the nature of injury attributed to the petitioners and offence involved, no ground is made out to deny bail to the petitioners.

10. 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.

11. 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.

12. 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.

CONDITIONS:

13. Given above, provided the petitioners are not required in any other case, the petitioners 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.

14. 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)	

15. This order is subject to the petitioners' complying with the following terms. 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.

16. 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. 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.

18. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

19. **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 have the liberty to cancel this bail.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

11.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.