

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

CRM-M-6681-2025
Reserved on: 18.03.2025
Pronounced on: 28.03.2025

Sukhdev Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Sukhdev Singh, AAG, Punjab

ANOOP CHITKARA, J.

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

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 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the impugned order Annexure P-1, which reads as follows:

“2. The facts in brief as are necessary for just & effective disposal of the present bail application are that the present FIR has been registered on the basis of statement of Jaspal Singh son of Ajmer Singh to the effect that his entire family was present in his house on 12.10.2024 at about 10:00 p.m. At that time Sandeep Singh, Sonu Singh, Sukhdev Singh, Jaspreet Singh, Harpreet Singh, Binder Singh, Channa Singh, Kartar Singh, Labhi Singh, Harnak Singh and Sukhdev Singh were bursting crackers in the street, at which they stopped them from doing so as their animals were getting scared with them and thereafter they (complainant) closed the main gate of the house. Then all the aforesaid persons entered into terrace of their house from their own terrace and at that time Sandeep Singh was armed with iron Kappa, Jaspreet Singh was armed with spade, Binder Singh was armed with gandasa, Sonu was armed with rod. The said persons started demolishing the dish anteenas, cattle shed and the stairs of their house and forcibly

entered into their house and beat up them. When his sister-in-law Rajwinder Kaur tried to rescue them, then the said persons beat up her also. On hue and cries raised by them, several people gathered at the spot and aforementioned persons ran away from the spot alongwith their respective weapons. On the basis of said statement, the present case was registered and investigation was initiated.”

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 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:

“A. The role of the petitioner.

The accused/petitioner Sukhdev Singh being part of unlawful assembly, played active role in the occurrence as he along with other accused persons inflicted injuries after criminal trespassing into the house of complainant Jaspal Singh.

B. The evidence against the petitioner.

The complainant Jaspal Singh had categorically stated against accused/petitioner Sukhdev Singh and named him in his statement. Furthermore, the investigating officer had also prima facie found the involvement of accused/petitioner in the occurrence duly based on the identification of complainant and video footage produced by him.”

7. Given the role attributed to petitioner and delay in registration of FIR, makes out a case for grant of bail to the petitioner. 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 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

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. 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.

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

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.

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

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.