

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7358-2025
Reserved on: 04.03.2025
Pronounced on: 11.03.2025

Arshdeep Singh @ Binni and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioners.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Pushp Jain, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
03	04.01.2025	Sadar Mansa, District Mansa	331(6)/ 115(2)/ 191(3)/ 190 of BNS, 2023

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 20 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“(ii) I am resident of the above said address and is a agriculturist. About 30 years ago, I was married with Rani Kaur d/o Gurbachan Singh resident of Thuthianwali. My brother-in-law Harminder Singh, is having a daughter named Ramanpreet Kaur aged about 19 years and a son Dilpreet Singh whose age is about 16 years. The wall of the house of my nephew Sukhveer Singh son of Buta Singh aged about 22 years adjoined the wall of my house. About 20-21 days ago my nephew Sukhveer Singh ran away with my brother-in-law's daughter Ramanpreet Kaur and they got married with their consent but without the consent of with the family members. We heard that we all family used to say to my nephew Sukhveer Singh and his family members that

Sukhveer Singh has not done well, he has insulted us and my in-law's family. Due to this reason his family has started keeping grudge with us. On dated 01.01.2025, I was laying on the cot in the courtyard of the animal porch in my house, my son Vicky Singh, along with his family members was laying in front of the veranda, in the room. At that time, it was about 09:30 pm, the light in our veranda was glowing, in the glow of which, I saw that on the stairs on the roof of the house, my nephew Jaspreet Singh @ Jassa son of Buta Singh, armed with an iron pipe, Sukhveer Singh @ Harry son of Buta Singh armed with Iron Ghop, Buta Singh son of Dalwara Singh armed with stick, Binni Singh son of Binder Singh resident of Raipur armed with gandasi, Pardeep Singh son of Binder Singh, resident of Narindrapura armed with an iron rod, came near the cot, Pardeep Singh raised a lalkara and told to Jassa Singh to beat Kaka Singh and teach lesson to him, who regularly says that your son Sukhveer Singh @ Harry has enticed away his brother-in-law's daughter. Meanwhile, Jassa Singh attacked my right knee with his armed iron pipe. I got up from the cot and sat down and Pardeep Singh hit me on the head with an iron rod, then Sukhveer Singh @ Harry hit me the right bicep near elbow with the ghop iron of the butt side which he hold in his hand. Buta Singh hit me on left side of the back with his armed stick and Binni Singh hit me with his armed gandasi from reverse on the left shoulder and the Jassa Singh inflicted another blow of his armed iron pipe towards me and while saving myself I got injury on my right hand. I raised hue and cry, on hearing my shouts, my son Vicky Singh came on the spot, he cried loudly that Papa be strong I am coming. Due to this Jassa Singh and others ran away from the spot along with their weapons. The reason for the enmity is that Ramanpreet Kaur daughter of my brother-in-law Harminder Singh as mentioned in my statement, was abducted by Sukhveer Singh, as we have raised objection in this respect, as such, Jassa Singh etc above mentioned in-connivance with each other had inflicted injuries to us. If my son was not present on the spot, then these people might have killed me. On dated 31.12.2024, my sister-in-law Karamdeep Kaur wife of Satgur Singh who had come to my house to meet the family. My son Vicky Singh arranged the vehicle and got me admitted to Government Hospital Mansa for treatment on the same day. Whole incident was seen in the light of our house and all these persons ran away through on the stairs of our house along with respective weapons. I have got recorded my statement, which is read by my son, which is correct. Action be taken against them."

4. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. State counsel as well as counsel for the complainant oppose 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:

“4. *ROLE OF THE PETITIONERS AND EVIDENCES AGAINST THE PETITIONERS:-*

It would be important to mention here that from the above mentioned facts and statement of the complainant/injured, it has been established on record that all the accused persons including the petitioners in furtherance of their active connivance has inflicted injuries on the person of the complainant/injured.

It has been specifically mentioned by the complainant in his statement that he has seen all the accused persons including the petitioners in the glow of bulb glowing in the courtyard of their house, who came through stairs of their house from the adjoining house of the nephew of the complainant namely Jaspreet Singh @ Jassa. It was further disclosed by the complainant that accused Jaspreet Singh @ Jassa was armed with an iron pipe, Sukhveer Singh @ Harry was armed with Iron Ghop, Buta Singh was armed with stick, Arshdeep Singh @ Binni Singh was armed with gandasi, Pardeep Singh was armed with an iron rod. Pardeep Singh raised a lalkara, Jassa Singh attacked the complainant with iron pipe, which landed on the right knee of the complainant. Then Pardeep Singh hit him on the head with an iron rod, then Sukhveer Singh @ Harry hit him on his right bicep near elbow with the ghop iron of the butt side. Buta Singh hit him on left side of the back with his armed stick and Arshdeep Singh @ Binni Singh hit him with his armed gandasi from reverse on the left shoulder and Jassa Singh inflicted another blow of his armed weapon towards him and while saving himself, he sustained injury on his right hand. From which, it can easily be ascertained that the petitioners has played active role in the occurrence and in connivance with other accused persons has caused injuries to the complainant. As such, present case/FIR has been rightly registered against all the accused persons including the petitioners.”

REASONING:

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 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. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory 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 Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fail to appear, such surety can produce the accused.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused do not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the

necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at 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 petitioners 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

11.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.