



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-8616-2025
Date of Decision: 03.04.2025

Jobanpreet Singh @ Joban and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ramandeep Kaur, Advocate for
Mr. P.S. Bal, Advocate for the petitioners.

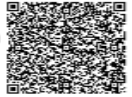
Ms. Navreet Kaur Barnala, AAG, Punjab
assisted by ASI Amarjit Singh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
235	07.12.2024	Sadar Khanna, Police District Khanna, Distt. Ludhiana	115 (2), 118(1), 351(2) and 3(5) 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 11 of the bail petition, the accused declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Jaskaran Singh S/o Darshan Singh, resident of Village Harbanspura, PS Sadar Khanna, District Ludhiana aged about 18 years Phone No.70877-xxxx, stated that I am a resident of the said address. Privately engaged in milk dairy at village Harbanspura. I go to the milk dairy every morning around 6 o'clock and in the evening at around 5.30 PM, I go to the dairy. In the evening, I finish the milk work and go home at around 8 PM. On 05.12.2024, I went to pick up milk at home. It was around 6.30 pm, when I went to collect Karmi's milk and at the same time I had to give Karmi's payment, so I took my bicycle and on the way, then Joban son of Jasvir Singh, Ravi son of Lakhvir Singh, Gurman Singh son of Seera, Gursharan Singh son of Bansi, residents of Village Harbanspura, Police Station Sadar Khanna came then Joban was holding a stick in his hand. He hit me with the stick on his hand which hit above my neck, all the four persons started beating me, then one of them hit me



with an iron object on my left shoulder and took out Karimi's payment of Rs.24700/- from my pocket. I don't know anything about the cause of grievances why they beat me. Then the sarpanch of our village Manpreet Singh brought me for treatment and admitted me to Civil Hospital Samrala. Where I am under treatment. Legal action should be taken against them. Who also threatened me when at the time of leaving the spot. xxx”

4. The petitioners' counsel submits that pursuant to previous order dated 11.03.2025, the petitioners had joined investigation. He further submits that they would have no objection in case any stringent conditions this Court might put upon the petitioners including surrender of fire arms, not enter the property, workplace and residence of complainant. He further submits he would also have no objection in case the petitioners repeat the offence where the sentence prescribes is 07 years or more, if State file an application for cancellation of their bail.

5. The petitioners' counsel further contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“6. That as per MLR of petitioner no.1 Jobanpreet Singh, he suffered 4 injuries. Injury no.1 was sharp and injury no.2, 3 and 4 were blunt. All the injuries were kept under observation. Hence, on the basis of the statement of Jobanpreet Singh and his MLR, the cross-case vide DDR no.35 dated 07.12.2024 was registered u/s 115(2), 118(1), 126(2), 3(5) of BNS against Jaskaran Singh and 3 unknown persons.

9. A. Role of the petitioners

That as per the investigation till date, the petitioner No.1 Jobanpreet Singh @ Joban, petitioner No.2 Ravinder Singh @ Ravi, and petitioner No.3 Gurnam Singh, in connivance with co-accused Gursharan Singh, waylaid the complainant Jaskaran Singh on 05.12.2024 at about 6.30 PM. Petitioner No.1 Jobanpreet Singh, armed with a stick, struck the complainant on the upper part of his neck, while one of the accused hit him on his left shoulder with an iron object. All the accused beaten the Jaskaran Singh.

10. B. Evidence against the petitioners

That as per medico-legal report (MLR) no.NS/227/24/SAM, the complainant sustained five injuries. Injury No.1 was declared 'sharp' and injuries no.2, 3, 4 and 5 were declared 'blunt'. Injuries no.1 and 2 were



kept for X-ray opinion.”

REASONING:

8. The petitioners have joined the investigation after filing of status report, State fails to make out case, why they needed custodial interrogation. Moreover, the case is of version and cross-version. As per para no.6 of the status report, petitioner no.1 also received grievous injury. At this stage, it is impossible to find out who is aggressor.

9. 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.

10. 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 make a case for bail.

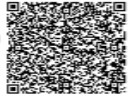
11. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. 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)	

13. This order is subject to the petitioners’ complying with the following terms.

14. 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.

15. 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. 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.

17. 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 be at 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 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.

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

03.04.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.