

CRM-M-12716-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12716-2025
Date of Decision: 07.03.2025

Jeevanjeet Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
105	07.12.2024	Mohkampura, Amritsar City	115(2) [323 IPC], 333 [452 IPC], 3(5) [34 IPC] of BNS, 2023

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 6 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement of Sukhjeet Kaur wife of Jatinder Singh resident of 3309, Tungpai, Near Gurudwara Guru Bahadar Sahib, Amritsar, aged 33 years, mobile No. 96469 65589. It is stated that I am resident of the above address and run a grocery store in Chowk Tungpai. On 27.11.2024 at about 10.00 am. in the morning I had gone from my shop to my house to prepare tea and the sons of my brother-in-law (Jeth) Vishavjeet Singh Jivanjeet Singh sister-in-law (Jethani) Veena Kumar and my saw me alone in the house and my Jethani Veena Kumari after seeing the door of my house open said loudly to her sons that your aunt (Chachi) in alone in the house and teach her a lesson for having dispute with us regarding the wall and all three of them entered my house and caught hold of me from the hair and took



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me to the street and Vishavjeet Singh dragged me from my hair and hit me against the wall due to which I received injury on the left side of my head near the ear and Jiwanjeet Singh twisted my left arm and my Jethani gave me a lot of slaps and my left leg got swollen and I fell down and then Vishavjeet brought datar from his house and hit me from the reverse side on the left side of my stomach. I raised noise 'killed-killed and seeing the persons in the street they ran away from the spot and then I told my husband, who after getting me a docket from the police station took me to Civil Hospital where the doctor treated me and sent me home. Till now, the respectable were trying to get a compromise effected between us which did not materialize. I have produced MLR No. 175/SPS/CH/ASR/2024 dated 17.11.2024 before you. Action be taken. I have got my statement recorded. It is correct”

4. The petitioner's 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. The State's counsel opposes bail based on instructions.

6. An analysis of the above pleadings would lead to the outcome that the main accused Veena Kumari instigated the present petitioners and all injuries are simple in nature and none of these injuries have been attributed to the petitioners. The main allegations are of trespass.

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.

9. 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.

10. Given above, provided the petitioners are not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds



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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 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)	

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

13. 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.

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

15. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State shall file an application for cancellation**



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of this bail before the Sessions Court, which shall have the liberty to cancel this bail.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

07.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.