

CRM-M-15014-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-15014-2025  
Decided on: 19.03.2025

Harmanpreet Singh @ Harman Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dhiraj Jindal, Advocate  
for the petitioner.

Mr. Gurpartap S. Bhullar, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                   | Sections                                                |
|---------|------------|----------------------------------|---------------------------------------------------------|
| 307     | 03.11.2024 | Bhawanigarh,<br>District Sangrur | 331(6), 324(2), 115(2), 126,<br>191(3), 190 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 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. Perusal of the file shows that no response from the State is required.
4. The facts and allegations are being taken from translated copy of the FIR, which reads as follows:

*“Statement of Hasanpreet Singh son of Mahinder Singh, resident of village Majhi, police station Bhawanigarh, District Sangrur, aged about 37 years, mobile number 94630-xxxxx. Stated that I am a resident of the above said address and engaged in agriculture work. On 01-11-2024 | and Gurkirat Singh son of Jagtar Singh resident of Majhi were going on his motorcycle number PB-84-4965 marked Platina color black along with his Nephew Ekam Singh, son of Satgur Singh, who is aged about 02 years, from village Majha to buy firecrackers for the festival of Diwali. When we reached the bus stand of our village Majhi, it was around 09.15 at night then Rinku Singh son of Kaka Singh having iron rod, Davinder Singh alias*



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*Davy son of Khushi Singh having iron rod, Pawan, Gagandeep Singh alias Gaggu sons of Kala Singh; Harman Singh son of unknown resident of village Majhi and Harpreet Singh son of Gurmukh Singh having iron rod resident of village Lalochhi had stopped us and started abusing me, when I resisted them, they all surrounded me and started beating me. Out of which the said Rinku Singh hit me on the head with the iron rod which he was holding in his hand due to which I got hurt on the left side of my head and I fell down while bleeding on the road, then the said Harpreet Singh hit me with the iron rod which he was holding in his hand which hit me on the left side of my waist. Then I ran to the side of the village Majha to defend myself and entered the house of Chamkaur Singh son of Nachhatar Singh who lived nearby. All the people also went to his house after me, but when I closed the door of the room, all the people started throwing bricks, which broke the glass of the door. Then due to opposition of residents of the house, they left that place alongwith their weapons while giving threats. Then Gurkirat Singh went to my house and told the whole story, then my father Mahinder Singh son of Bant Singh, came on the spot and after watching my injuries make arrangements of the vehicle and then I was admitted to the Government Hospital Bhawanigarh, where I was referred to the Civil Hospital Sangrur due to the more injuries, my family members took me to the Civil Hospital Sangrur, where after my treatment, I was again sent to the Government Hospital Bhawanigarh, where my treatment is going on. Appropriate action should be taken against Rinku Singh, Davinder Singh alias Davy, Pawan, Gagandeep Singh alias Gaggu, Harman Singh and Harpreet Singh as stated above. I have made a statement to you which is heard, read and correct. True/-Hasanpreet Singh as stated above, confirmed statement/-Mahinder Singh. Police Proceedings.XXXXXXXXXXXXXXXXXX.”*

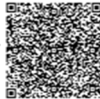
5. Petitioner seeks bail on parity with co-accused/Gagandeep Singh @ Gaggu who was granted bail by this Court vide order dated 28.02.2025 passed in CRM-M-2622-2025. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail.

#### REASONING:

7. In the order dated 28.02.2025 in CRM-M-2622-2025, facts have been reproduced from the State reply, in which it is clearly mentioned that Harman Singh (present petitioner) was empty handed, therefore he is entitled to bail.

8. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.



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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.

11. 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.

**CONDITIONS:**

12. 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.

13. 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)                                                                                                             |  |

14. 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.

15. 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



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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.

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

17. 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.

18. **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.**

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

20. 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.

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

(ANOOP CHITKARA)  
JUDGE

19.03.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.