

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15080-2025
Reserved on: 01.05.2025
Pronounced on: 12.05.2025

Chhinder Singh @ Shinder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rhythem Bajaj, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
109	21.12.2023	Jodhan, Ludhiana, Distt. Ludhiana	302, 323, 34 IPC

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 16 of the bail petition, the accused declares that he has 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 Gurmeet Kaur W/o Shingara Singh s/o Kartar Singh R/o village Dhaipai, Jodhan district Ludhiana, age around 60 years mobile no. 99150xxxx stated that I am a resident of the above and do domestic work. My husband Shingara Singh is retired from the Indian Army and Punjab Police Department. I have three sons and one daughter. My elder son's name is Ravinder Singh, son younger than him is Kamaljit Singh, younger daughter is Paramjit Kaur and the youngest son is Pavitar Singh. All my children are married. My husband used to stay at home after retirement because our children are busy with their own work. In front of our residential house is the rented house of Chhinder Pal Singh, with whom we have not spoken to for about two years. Opposite our residential house is the residential house of Chhinderpal Singh S/O Ramdhan Singh

R/O Dhaipai, with whom we have had no communication for almost two years. Today, on 21-12-2023, at around 11.00 AM, ASI Balwinder Singh PS Jodhan came to our village Dhaipai to investigate the complaint filed against us by Jagdish Singh @ Pinku S/O Chhinderpal Singh R/O Dhaipai. My husband Shingara Singh and I went out of the house into the street after receiving a message from Chhinderpal Singh S/o Sher Singh, husband of Surjit Kaur, the current sarpanch of our village. Where Jagdish Singh @ Pinku and his mother Jaswant Kaur also came to us in the street. ASI Balwinder Singh PS Jodhan was listening to the conversation between our two parties while standing in the street. At that moment, Jagdish Singh @ Pinku and his mother Jaswant Kaur got in a fit of rage ran away from there to their house. After a while, Jagdish Singh @ Pinku, who needed an iron in his hand, and his mother Jaswant Kaur, who was holding a stick in her hand. Jagdish Singh @ Pinku hit my husband Shingara Singh once in the head with the intention of killing him and as soon as he fell, he hit him again in the head, causing my husband Shingara Singh to fall to the ground. Blood started gushing from his head. When I got closer, Jaswant Kaur hit me on the head with her hand-held stick. When I started to back away, the stick hit my nose and I stumbled and fell back. Then she hit me 4 to 5 times when I fell on the ground, which hit my hands, head, and back. Meanwhile, my daughter-in-law Manpreet Kaur came forward to save us and when she raised voice, Jagdish Singh @ Pinku and his mother Jaswant Kaur left the spot with their weapons. When my daughter-in-law Manpreet Kaur and I took care of my husband Shingara Singh, unconscious. We arranged for him to be taken to Government Hospital Pakhowal with the help of the villagers. Where the doctor declared my husband Shingara Singh dead. The reason for the dispute is that Jagdish Singh @ Pinku and his mother Jaswant Kaur wanted to block our water drainage system. Which and block we used to have problems with due to water drainage being blocked. Because of this, our family used to stop them from doing this, that's why Jagdish Singh @ Pinku and his mother killed my husband Shingara Singh and injured me. Strictest legal action should be taken against them. The statement is scribed to you, heard and is correct."

4. Counsel for the petitioner has argued that initially in the FIR, the petitioner was not named, later on, an improvement was made in which the petitioner was attributed of having raised a Lalkara and catching hold the victim from his beard. Counsel for the petitioner submits that they are neighbours and there was no reason for his not being named in the FIR. 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 his 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:

"15. B. The evidence against the petitioner

Statements of the above mentioned witnesses. But the petitioner could not be arrested so far and challan against him is not present.

C. The role of the petitioner.

The complainant has added in her statement given to the police earlier that when ASI Balwinder Singh PS Jodhan came at the spot for enquiry purpose, Chhinder Singh @ Chhindu husband of Jaswant Kaur was also present with the co-accused. Said Chhinder Singh @ Chhindu caught hold the beard of her husband in connivance with Jaswant Kaur and pushed her husband towards wall and instigated loudly her son Jagdish Singh @ Pinku to forcibly give blow of rod in the head of Shingara Singh. So at the instigation of petitioner Chhinder Singh @ Chhinda and Jaswant Kaur, said accused Jagdish Singh @ Pinku has forcibly gave blow of rod in the head of her husband Shingara Singh and killed him."

REASONING:

7. Initially, the petitioner, who is 67 years old, was not named in the FIR, he was empty handed at the time of incident and the role attributed to the petitioner is that he caught hold the victim from his beard, however, no injury has been attributed to him, as such the petitioner is entitled to bail.

8. 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.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, role attributed and age of petitioner 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 petitioner makes a case for bail.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
11. Given above, provided the petitioner is not required in any other case, the petitioner 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 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) | |
13. This order is subject to the petitioner's complying with the following terms.
14. 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.
15. 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.
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. ***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 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 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.

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

(ANOOP CHITKARA)
JUDGE

12.05.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.