

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15579-2025
Reserved on: 06.05.2025
Pronounced on: 19.05.2025

Lovejot @ Lavi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Bhavesh Aggarwal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
133	18.06.2024	City Jagraon, District Ludhiana Rural	302/379/452/506/148/149 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 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

“2. That the brief facts of the case are that on 18-06-2024, complainant Harpreet Kaur wife of Jasvir Singh resident of Mohalla Mukandpuri, jagraon gave statement to the police that she had solemnized marriage with Jasvir Singh in the year 2006. She has two children. One of them is son and the other is daughter. Her husband is doing work of pasting paper on the walls. On 17-06-2024 at about 11:00 AM, Partap Singh Channi, Jota Pardhan, Deepu, Narinder Kaur Nandi, Amna, Pooja, Nephew of Nanda, Kaka brother of Nandi, bharjai of Babbu Nandi along with unknown men and ladies entered into her house. They were armed with dandas and baseballs. They all have brutally beaten her husband and killed him. They caused injuries on the head, shoulder and other body parts of her husband.

3. That the complainant further stated that Partap Singh @ Channi was armed with baseball and he gave blows of baseball in the head

of her husband. Deepu, Jaito and Amna gave blows of handles of Spade on the head of her husband repeatedly. Narinder Kaur @ Nandi gave danda blows on the legs and other parts of body of her husband. She tried to rescue her husband from them. But they were threatening to her husband that they will not leave alive him today and they will kill him.

4. That the complainant further stated that then these persons Valso have beaten her and her children. She raised noise. Partap Singh Channi took away her motor cycle, one mobile phone make VIVO and one mobile phone having buttons from her house. Amna, Deepu, Jota and Narinder Kaur @ Nandi have taken her LCD Boofer from her house.

5. That the complainant further stated that the cause of this occurrence is that some days earlier one boy namely Golu of her mohalla died due to some reason. The family members of Golu were suspecting that Golu died due to her husband. Due to this reason the above mentioned accused persons and unknown men and women have entered into her house and killed her husband. She herself has seen the occurrence. She raised noise. People of the mohalla gathered there. Then the above mentioned accused persons along with their weapons and committing theft of her above mentioned articles ran away from her house. She requested the police to take action against these persons. On this statement, FIR No. 133 dated 18-06-2024 u/s 302/379/452/506/148/149 IPC was registered in IS City, Jagraon against Partap Singh @ Channi, Jota Pardhan, Deepu, Narinder Kaur Nandi, Amna, Pooja, Nephew of Nandi, Kaka, Babbu Nandi and unknown persons.

8. That on 25-06-2024, the complainant Harpreet Kaur gave supplementary statement to the Investigating Officer. She stated that she has made enquiries about the unknown men and women who had entered into her house and killed her husband Jasvir Singh. She came to know that out of unknown persons, one was Sunny son of Balwinder Singh @ Ganja r/o Mohalla Mukandpuri, Jagraon. On this statement Sunny was nominated as accused in this case."

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 petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. Counsel for the petitioner submits that the primary point taken by petitioner is alibi and has referred to Annexure P-4 and P-5 to show that at that particular time, the petitioner was on duty and he is an ambulance driver.

7. Counsel for the complainant denies such averments and submits that there is time gap and there is opportunity for the petitioner to be there and he is directly involved. He further submits that a group of people including the petitioner murdered the deceased for the reason that he was drug paddler and was supplying the drugs. Counsel for the complainant submits that there was no case under NDPS Act pending against the deceased, as such the allegations are false and an innocent man was killed. Regarding the plea of alibi, the certificate is self-contradictory.

8. Counsel for the petitioner submits that the initial motive was not drug paddling but a boy named Golu has died and the society was apprehending the deceased's role in the said death.

9. It would be appropriate to refer to following portion of reply which reads as follows:

“15. ROLE OF THE PETITIONER:-

That the role of the petitioner is that the petitioner was member of unlawful assembly and they entered the house of the complainant and committed murder of Jasvir Singh husband of the complainant by beating him brutally with dandas and baseballs.”

10. An analysis of the arguments would lead to the following outcome. Petitioner was not named in FIR or even in supplementary statement and there was no motive for which petitioner would have entered or caused injuries. There is no explanation by the State in reply qua Annexure P-4 and P-5 and State counsel failed to make out a case to deny bail when the presence of petitioner was not at spot nor there is any disclosure of co-accused qua the presence of petitioner at the spot. Investigation is under progress.

11. 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.

12. 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.

13. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

14. 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.

15. 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)	

16. 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.

17. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner 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 (CrL.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

18. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

19. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does 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."

20. 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.

21. 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.

22. **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.**

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

24. *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.*

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

(ANOOP CHITKARA)
JUDGE

19.05.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.