

CRM-M-16160-2025
Reserved on 01.04.2025
Pronounced on: 29.04.2025

...PETITIONER

...RESPONDENT

FIR No.	Dated	Police Station	Sections
05	29.01.2025	Maloud, Police District Khanna	126(2), 115(2), 118(1), 351(2), 133, 3(5) of BNS and Sections 117(2) and 118(2) of BNS added later on

- "That the brief facts of the case are that the FIR no. 05 dated 29-01-2025 (Annexure P-1) has been registered on the basis of the statement of complainant Varinder Singh, to the effect that;*
- (i) The complainant and his father Piara Singh are owners of 68 Kanals of land, out of which the complainant has sold 30 Kanal of land to Dalvir Singh son of Tarsem Singh on 5-3-2024 and his father has sold 24 Kanal of land to one Sarabjit Kaur in the year 2016 and now they are owner of 11 Kanal of land. One motor of 12 horsepower is installed in the said land. The complainant's land and the land of Dalvir Singh are on lease with Kirpal Singh. Dalvir Singh and Kirpal Singh want to grab the land of the complainant.*
- (ii) The complainant further stated that on 26-01-2025 at about 10:00 am, the complainant went to the motor. On the way, at about a distance of 50*



feet, Kirpal Singh @ Pala was standing on the road, who, on seeing the complainant, called someone from his phone, and thereafter, one swift car was seen coming, in which Dalvir Singh and Paramjit Singh @ Pamma (present petitioner) were sitting. On seeing them, the complainant ran towards the village side, but the above said persons caught him. Dalvir Singh was armed with 'Kirpan, Kirpal Singh @ Pala was armed with 'Gandasa', and Paramjit Singh @ Pamma (present petitioner) was armed with "Kirpan", alighted from the car. Dalvir Singh and Kirpal Singh raised lalkara to kill the complainant and teach him a lesson about taking abovementioned land and Kotha.

(iii) That subsequently, Kirpal Singh attacked with a 'Gandasa' on the back side of the complainant's neck, as a result of which he fell down on the ground. Thereafter, Dalvir Singh attacked the complainant with a 'Kirpan' on his head. Paramjit Singh (present petitioner) attacked the complainant with 'Kirpan' on his nose and left thigh. Kirpal Singh again attacked the complainant with a 'Gandasa' on various parts of his body, i.e., left hand, left thigh, and left shoulder. Then, Dalvir Singh again attacked the complainant with 'Kirpan' on his left wrist, left leg, and forehead. Thereafter, Paramjit Singh @ Pamma (present petitioner) gave a fist blow on the mouth of the complainant. All the accused were stating that they would kill the complainant. During the assault on the complainant, his turban fell down on the earth. Thereafter, the complainant raised an alarm for his rescue, then his relative Arshdeep Singh and his co-villager Sohanpreet Kaur came to the spot and raised an alarm for the rescue of the complainant. After seeing the gathering of people at the spot, all the accused, along with their respective weapons, fled away from the spot in a swift car, and they also took the turban of the complainant with them."

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and has no role to play in the alleged occurrence. He has never been indulged in any illegal activities. 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. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That the role of the petitioner Paramjit Singh @ Pamma is active and specific. The complainant has assigned to him the act of inflicting sharp weapon injuries with a kirpan on his nose and left thigh and further giving a fist blow on his mouth. The injuries suffered by the complainant include a total of 11 injuries, with injuries No.1, 2, 3, 4,



10 and 11 being blunt and injuries No.5, 6, 7, 8 and 9 being sharp. Injury No.5 (laceration on left wrist) and injury No.3 (abrasion near the nose) were later declared grievous. The action participation of the petitioner in the incident is clearly established."

REASONING:

7. Petitioner attacked with kirpan, however, injury attributed to him is not greivous on nose which reflects his intention. Injuries which are greivous attributed to other accused. 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. 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.

9. Given the above, the penal provisions invoked coupled with the primafacie 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, subject to the compliance of terms and conditions mentioned in this order. 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.

10. 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 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 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)	

12. This order is subject to the petitioner’s complying with the following terms.

13. 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.

14. 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.

15. 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.

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 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.

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

29.04.2025
renubala

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No