



CRM-M-16305-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16305-2025
Date of Decision: 28.03.2025

Inderpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

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

Mr. Vishnu Dutt, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0073	18.05.2022	Jodhewal, District Ludhiana	323, 324, 451, 506, 34 IPC (Section 326 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement of Onkar Singh son of Surinder Pal Bhatti resident of House No. 66, Mohalla Silver Kunj Colony, Police station Salem Tabri, Ludhiana age approximately 25 years, mobile no. 96580-20000, that I am the resident of the above said address. I am running a shop namely Pan Suvidha Kendra at Street No. 2, Mohalla Harwinder Nagar, Famra Road, Ludhiana. I do the work of submitting the income tax returns of public in this shop. Inderpal



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Singh son of Jaswinder Singh resident of Street No. 5, Banda Bahadur Nagar, Famra Road, Ludhiana had worked in my shop earlier, who has left the work from my shop approximately 8-9 months ago and is doing work by opening his own shop in Haibowal. On dated 16.05.2022 at time approximately 8:50 PM, I was doing my work by sitting in my shop then Inderpal Singh called on my phone number 9658020000 from his phone number 9855570365 continuously two times between 8:55 PM to 8:56 PM, who asked me about to submit his returns and asked that are you available at shop then I said that I am at my shop when your return would be submitted I will inform you through phone call then at time approximately 9-10 PM. Inderpal Singh and his father Jaswinder Singh entered to my shop then Inderpal Singh hit on my right eye with iron punch holding in his hand and Jaswinder Singh all of sudden started to give me beatings. Inderpal Singh hit on my right eye with punch two times which was in his hand and his father held me and Inderpal Singh hit the punch which was in his hand on the thumb of my left hand and they, Inderpal Singh and his father Jaswinder Singh gave me merciless beatings my entering into my shop. So much blood started to ooze from my right eye. I raised voice in loud manner then adjoining shopkeepers and people gathered and I was in unconscious condition and at the same time elder brother of my friend Sonu namely Jaswinder Singh @ Lucky son of Sukhdev Singh resident of Street No. 04, Banda Bahadur Nagar, Famra Road, Ludhiana also came on the spot. Who rescued me from them in a very difficult manner. In my unconscious condition, Inderpal Singh and his father Jaswinder Singh put the gold chain weighing three tolas in his pocket by snatching lying on my neck and an amount of Rs. 80,000/- was lying in my cash box and from that only an amount of Rs. 7,000/- approximately was found. I by making the phone call called my friend Ajay son of Ram Awadh and Rachin Arora son of Vijay Pal Arora on the spot. Who got done first aid to me by taking me to the civil hospital, Ludhiana and was got medically examined. Due to the bad condition of my eye, my legal heirs got admitted me my Mohandei Oswal Hospital, where I am under treatment. While giving me beatings in my shop, when Inderpal and Jaswinder Singh saw the gathering of people and my friend had also come on the spot then they alongwith the iron punch fled away from the spot while extending me life threats. Reason behind the grudge is that earlier Inderpal Singh was working at my shop and knows my all customers in well manner after leaving the job with me, Inderpal Singh by going to my customers started to disconnect them from me and stated to connect with them and some of my customers told me about this thing then I stopped Inderpal Singh from doing so. Due to this reason, Inderpal Singh and his father Jaswinder have caused injuries to me. Legal action may be taken against them. Statement has been got recorded to you, heard, it is correct.”



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- 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. Counsel for the petitioner submits that the parties have settled the dispute by entering into a compromise.
- 5. The State’s counsel opposes bail.
- 6. Counsel for the complainant does not dispute the factum of compromise and submits that he would have no objection if this Court grants bail to the petitioner.

REASONING:

- 7. Given the fact that matter stands compromised between the parties, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 3 of the bail petition, the petitioner has been in custody since 22.02.2025. Per the custody certificate dated 27.03.2025, the petitioner’s total custody in this FIR is 01 month and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
- 8. 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.
- 9. 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 concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
- 10. 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)	

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



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12. 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.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.