



102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16807-2025
Date of Decision: 27.03.2025

Kamal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shivender Pal Singh, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	03.03.2025	Basti Bawa Khel, District Police Commissionerate Jalandhar	115(2), 351(2), 324(4), 299, 3(5) 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 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from paragraph 1 of the bail petition, which reads as follows:

“Statement of Raagi Singh Fateh Singh, S/o Late Joginder Singh, Resident of House No. 270, Street No. 2, New Raj Nagar, Basti Bawa Khel, Jalandhar, Age 52 years, Mobile No. 79863-86982It is stated that I am a resident of the aforementioned address and work as a Raagi Singh. On March 2, 2025, at approximately 10:15 PM, my wife Parmjeet Kaur, my sons Harjinder Singh and Narinder pal Singh, my daughter Charanjit Kaur, and my nephew Manpreet Singh (son of my brother-in-law Sahib Singh) were taking two pet dogs for a walk in our street. At that time, Sahil Singh Sandhu, son of Suba Singh Sandhu, resident of House No. 1, New Raj Nagar, Jalandhar, and his friend Amandeep Singh, son of Tarlochan Singh, resident of House No. 6, Aman Nagar, Jalandhar, approached the area on an Activa scooter. Sahil was driving the scooter



while Amandeep was seated behind him. These individuals began circling around my children in a suspicious manner. When my son Harjinder Singh objected to their behavior, Sahil Sandhu stopped his scooter, took out a metal knuckle duster, and attacked me. The first blow struck my forehead. The second blow hit my left ear. The third strike landed on the right side of my neck. The fourth strike injured my right knee. Shortly after, an individual named Komal arrived at the scene with additional men. Komal was armed with a Khanda (a type of weapon). He immediately began smashing the windows of our Ford Endeavour vehicle (bearing registration number PB10 CT 0037), which was parked outside our house. Amandeep Singh, using an iron bangle (kara), attacked my son Narinderpal Singh, striking him on the head and left cheek. Fearing for our safety, we ran inside our house, but Sahil Sandhu, entered property. Komal, and Amandeep Singh forcibly our home and started vandalizing the. They broke windowpanes and began shouting threats, saying that they would kill our entire family. These individuals physically assaulted my sons, Harjinder Singh and Narinderpal Singh, and dishonored their turbans by forcibly removing them and pulling their hair. My entire family is Amritdhari Sikh, and I am a Kirtaniya (devotional singer in Sikhism). The forcible removal of turbans and disrespect towards our religious identity has deeply hurt our religious sentiments. While we managed to lock ourselves inside a room, the accused stood outside, pelting stones and bricks at our house. They shouted that this was "just a trailer" and that they would "show the full film later." Furthermore, Sahil Singh and Komal made extremely obscene and derogatory remarks about my daughter. I have video evidence of the entire incident, which I am prepared to present as proof. My family is now living in fear for our lives due to these individuals. Therefore, I request strict legal action against all those involved in this attack."

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 on instructions.

REASONING:

6. As per allegations, the petitioner was armed with *khanda* and broke the windows of the car of complainant. He has not caused any injury to anyone, as such, he is entitled to bail.



7. 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. 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, subject to the compliance of terms and conditions mentioned in this order.

9. 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.

CONDITIONS:

10. 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.

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. 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. 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. 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.

16. ***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.***

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

27.03.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.