

-1-

1) **CRM-M-18958-2025**
Date of decision: 06.05.2025

STATE OF PUNJAB **VERSUS** **...RESPONDENT**

STATE OF PUNJAB **VERSUS** **...RESPONDENT**

Mr. Aayush Bansal, Advocate and
Mr. Sanjiv Gupta, Advocate for the complainant.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
27	10.03.2025	Sadar Nabha, District Patiala	115(2)/126(2)/305/351(2)/ 3(5)/109(1) of BNS, 2023

"That the brief facts of the case are that initially, above noted FIR No.27 dated 10.03.2025 under Sections 115(2), 126(2), 305, 351(2), 3(5), 109(1) of BNS, 2023, was registered at Police Station Sadar Nabha, District Patiala, on the basis of statement of the complainant Kulwinder Singh @ Rinku son of Netar Singh, in which, he stated that on 09.03.2025, he was coming back to his house in his car and at about 8.00



PM, when he reached near the shop of Amrik Singh, doctor of the village, Charanjit Singh son of Kirpal Singh @ Babbi came in front of his car and gave signal to the complainant to stop the car. Then he took the key of the car and started abusing the complainant and gave him fist blows and after sitting inside the car of complainant, he took out the pistol from his Dub (pocket) and gave 2-3 blows of handle of pistol near the right eye of complainant. The complainant raised hue and cry, upon which, Inderjit Singh son of Ram and Jagpal Singh son of Lakhvir Singh of his village also reached there and started abusing the complainant. Inderjit Singh asked Charanjit Singh not to spare the complainant today and Inderjit Singh gave fist blows to the complainant and dragged him out of the car by holding his hair. All the accused persons thrashed the complainant in the street and gave fist blows. On raising hues and cries, people gathered at the spot and accused persons fled away while giving threats. Later, on checking, it was found that amount of Rs.15,000/- lying in the dash board of car and case documents relating to Panchayati land were missing. The complainant was admitted in Civil Hospital, Nabha, for treatment, where his MLR No.AK/28/NBH/2025 was conducted showing 3 injuries on his person. "

4. Counsel for the petitioner(s) submits that the petitioner(s) have been falsely implicated in the present FIRs and have no role to play in the alleged occurrence. He further prays for bail by imposing any stringent conditions including surrender for fire arms, if any, and the petitioner(s) would stay away from the property/work place, residence of the victim and they will not pressurize, induce, threaten the victim or his family members. In case, they repeat the offence or commit any offence where the sentence is more than 07 years, they would have no objection, if State files an application for cancellation of their bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner(s) and their families.

5. The State's counsel opposes bail and refers to the reply in CRM-M-18958-2025.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"ROLE OF THE PETITIONER

13. That the petitioners and Charanjit Singh have inflicted injuries to the complainant/victim and committed theft of Rs.15,000/- and case documents of Panchayati land and they aided Charanjit Singh to give injuries to the complainant with the handle of pistol with an intention to kill him. The petitioners have committed a serious offence and they do not deserve any leniency."



REASONING:

7. Perusal of the pleading reflects that Charanjit Singh (Petitioner) was holding pistol and gave injury to the victim from the blow of its handle, and recovery of pistol has already been effected from the petitioner Charanjit Singh. Role of the petitioner Inderjit Singh and Jagpal Singh is on lower footing. Pistol in question was a licenced weapon, as such, they are entitled to bail. 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. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner(s) 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(s) are not required in any other case, the petitioner(s) 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.

10. While furnishing a personal bond, the petitioner(s) 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 petitioners' complying with the following terms.

12. The petitioner(s) are 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(s) 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(s) shall not be subjected to third-degree, indecent language,



CRM-M-18958-2025 and
CRM-M-20594-2025

-4-

inhuman treatment, etc.

13. 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(s) notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. *This bail is conditional, and the foundational condition is that if the petitioner(s) 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.*

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

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner(s) 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.

17. **Petitions are allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

06.05.2025
renubala

(ANOOP CHITKARA)
JUDGE

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