

CRM-M-26303-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26303-2025
Reserved on: 17.07.2025
Pronounced on: 31.07.2025

Kuldip Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
68	03.04.2025	Model Town, District Hoshiarpur	108 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 22 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:

“That it is submitted that the FIR No.68 dated 03.04.2025 Under Section 108 BNS, was registered at P.S. Model Town, District Hoshiarpur against the petitioner on the statement of Prithi Pal son of Jagiri Ram resident of Hardo Khanpur, PS Model Town, District Hoshiarpur that he is mason. They are three bothers. His elder brother Sham Lal and his wife Simranjit Kaur has died. They had four sons and one daughter out of whom one Dilbag Singh @ Daggu aged about 27 years do the work of welding and is doing labour with Kuldip Singh @ Lalli of the same village from last 7/8 years. Dilbag Singh had disclosed the complainant that for last some time that he has been employed by Kuldip Singh at a remuneration of Rs.15000/-per month but since long he is not paying the salary and when he demand the same then he used to abuse him and send him back. The

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complainant had also talked to Kuldip Singh regarding the matter as to why he do not pay salary to Dilbag Singh rather make him consume liquor and send back. He even requested Kuldip Singh but Kuldip Singh hadn't mend his conduct towards nephew of complainant. On 26.3.2025, the complainant was at his home and Dilbag Singh came to him and told him that today he demanded salary from Kuldip Singh @ Lalli but he abused and insulted him and due to the same he had consumed the insecticides used in the fields and if he died then Kuldip Singh @ Lalli will be responsible for the same. The complainant immediately called his son Manpreet and arranged for a vehicle and took Dilbag Singh to Civil Hospital serious condition of Dilbag Singh he was referred to Shri Guru Nanak Dev Hospital and on 28.3.2025 he was admitted there. During treatment Dilbag Singh got his video recorded wherein he has nominated Kuldip Singh @ Lalli and the said video clip was recorded by Manpreet Singh son of the complainant. During treatment on 31.3.2025 at 10:00 am Dilbag Singh has died and he prayed for action against Kuldip Singh. He further submitted that till date talk of compromise was going on between the parties but the same could not succeed.”

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. The petitioner's counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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 it is submitted that the present FIR has been registered against the petitioner by name. There are serious and grave allegations against the petitioner in the FIR that the petitioner has abused and insulted the deceased Dilbag Singh nephew of the complainant when he demanded remuneration/salary from the petitioner. The deceased has got his statement videographed which was recorded by Manpreet Singh son of the complainant. The English Transcript of the contents of video clip is annexed as Annexure R-2.”

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REASONING:

7. The deceased had recorded his dying declaration in a voice recording which is annexed with the reply at page 79 and the same reads as follows:-

“Transcript of video clip of deceased Dilbagh @ Daggu after consuming poisons.
There was a party of Tony and others. He purchased cameras and after purchasing cameras they went away for holding a party thereof. There were other persons as well. Kalu and Neeraj were also with them. Neeraj said that he is with him. Lali got some work. He consumed poison due to Lali.”

8. Allegations against the petitioner are that petitioner abused and insult the deceased when he demanded his salary, which he narrate to complainant and lateron he died by consuming insecticide.

9. Perusal of the allegations reflects that as of now, custodial interrogation is not necessary. 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.

10. 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.

11. 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.

CONDITIONS:

12. 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.

13. 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)	

14. 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.

15. The petitioner is directed to join the investigation 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the 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 of release from prison 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.

17. 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

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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.”

18. 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.

19. 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.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.