

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26792-2025
Reserved on: 08.07.2025
Pronounced on: 31.07.2025

Vinay Ghora ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Udayveer Singh, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
169	15.08.2024	City-1, Abohar, District Fazilka	118(1), 309, 3(5) of BNS

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. Per paragraph 4 (J) of status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	24	2022	458, 323, 148, 149 IPC	City-1 Abohar
2.	111	25.05.2025	140, 126(2), 115(2), 324(4), 191(3), 190 BNS	City-1 Abohar

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Statement of Gagandeep Singh son of Jaspal Singh resident of street No. 1, Thakar Abadi, Abohar aged about 27 years, mobile No. 73072-xxxxx, I would like state that I am resident of above noted address and I am agriculturist by occupation. I am also running business of trucks. Mandeep Singh son of not known resident of Guru Kirpa Colony Abohar is working as driver on my truck. Due to open space in the Grain Market, Abohar, my driver parks his truck there. On 11.08.2024 my driver has parked his vehicle in the Grain Market and he had to go for loading. My driver has informed my brother Sahib that you give me amount in advance then my brother has made

me phone call and said that you send advance amount to your driver. At around 9:30 O'clock I along with my friend Vishal Kumar son of Surinder Kumar resident of South Avenue, Street No. 11 Abohar had gone from the house and I also taken the amount of Rs. 50000/- from house to give advance and to give food to driver. We had gone from the house on my motorcycle to Grain Market and when reached near Shed No. 01, Grain Market Abohar where my truck was parked but my driver Mandeep Singh was not near the truck. I and Vishal have waited for driver for some time but he did not come present. I and Vishal were talking to each other, in the meantime, one Car make registration Audi having Chandigarh number colour white came from Gate of Gurudwara Nanakear Sahib and stopped near to us and Jeeta Singh Dhillon son of ram Singh resident of Waryam Nagar, near Gurudwara Baba Deep Singh Hanumangarh road Abohar armed with Kapa, his friend Golu son of Avnish Kumar Pandit resident of Johri Mandir Abohar armed with Kirpan, Vinay @ Ghora son of Bobby resident of Prem Nagar, near Johri Mandir, Abohar armed with Kapa and Sagar Nepali son of known resident of street No. 06, Patel Park Abohar armed with kapa came out from the car by abusing and making noise and Jeeta Singh Dhillon has raised lalkara that today we will not leave Gagandeep Singh, then Jeeta Singh Dhillon has given blow of his Kapa to me, I raised my left hand to save me, then said blow hit on my left side wrist and Golu Pandit has given blow of his Kirpan to me which hit on my left side leg, then Vinay @ Ghora has given blow of his Kapa to me, I raised my left hand to save me the said blow hit on the fingers of my left hand by reverse side, I fell down on the ground, then Sagar Nepali has given blow of his Kirpan to me I raised my right hand to save me then said blow hit on my fingers right hand, raised noise "Marta Marta" then my friend Vishal came forwarded to save me, the said assailants have given blows of Kirpan and kapa on his right side ear, finger of right hand and right side arm. On hearing noise, the people gathered there and while going Jeeta Singh Dhillon has given blow of his Kapa with its reverse side which hit on my right arm and snatched Rs. 50000/- and important documents from the front side pocket of my shirt and they ran away from the spot in their car along with their respective weapons On hearing our hue and cry, Gurleen Singh son of Surinder Singh resident of Abohar and Moksh Pandit son of Vidya Sagar Pandit resident of street No. 15 Abohar came to the spot, said Moksh has arranged vehicle and got us admitted in Civil Hospital Abohar, due to my injuries, doctor has referred me for treatment to my GGS Medical College and Hospital Faridkot. Today I was discharged from the hospital. I along with my brother Sahib Singh came in the Police Station and have got recorded my statement to you, I have is heard it, same correct. The motive behind the grudge is that the above said persons are habitual to quarrel. Action be taken against them. Sd/- Gagandeep Singh."

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 petitioner's counsel 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"The injury No.4 of the complainant-injured Gagandeep Singh, caused with kappa on the left hand, is attributed to the petitioner which is simple in nature."

REASONING:

8. Per para 4 (E) of the status report, although the weapon attributed to the petitioner was Kappa, the injury attributed to him is on the left hand fingers and is shown as simple in the chart. Even though the petitioner has criminal antecedents, the petitioner's counsel has made a statement without admitting and conceding that he would reform, thus, this Court deems it appropriate to give him a chance to course correct and reform.

9. 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 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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. 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.

15. 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.

16. 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.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being 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 shall 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 as per their discretion, they may cancel this bail.

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

20. 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.

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

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.