

CRM-M-27775-2025
Reserved on: 10.07.2025
Pronounced on: 31.07.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Ms. Navreet K. Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
32	24.04.2024	City Batala, District Batala	306 and 506 of IPC, 1860

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 19 of the bail petition and the reply, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That, it is humbly submitted that the brief facts of the case are that the present case/FIR was registered on the statement of Indu wife of Surjit Kumar, who stated that she is working as Class-IV employee in Civil Hospital, Batala. On 24.04.2024, she has gone to Civil Hospital, Batala on her duty as usual. At about 7:45 A.M. her son Gaurav Bhatti aged about 27 years called her and said "MOM PLEASE FORGIVE ME". After saying this, he hung up the phone. She further stated that thereafter, she called again and again but her son did not pick up the phone. Thereafter, she called her neighbourer Diksa wife of Naresh and told her to go to home and see what has happened to Gaurav as he is not picking up the phone. Thereupon, Diksa after visiting the house of complainant responded that Gaurav has locked the door from inside and he is not opening the same. Thereafter, Diksa after taking Savita (Deverani/sister-in-law of complainant), Sammi son of Sucha

and Honey son of Pawan Kumar along with her broke the door and found Gaurav hanging from ceiling fan. Thereafter, Gaurav was taken to Civil Hospital, Batala, where doctor declared him dead. The complainant stated that her son has been working with Prabh Visa Immigration Jalandhar Road, Batala for the last about 09 months. She stated that on 23.04.2023 her son told her that Jobanpreet Singh of Prabh Visa Immigration Batala has been harassing him a lot over money dispute. She further stated that on 23.04.2024 her son kept on receiving calls from Jobanpreet Singh till 12:00 O'clock in the night and she was sitting along with her son and Jobanpreet Singh was constantly extending threats to her son for paying the money. She stated that she took mobile phone from her son and talked to Jobanpreet Singh, then, Jobanpreet Singh threatened her also and told that if the money not given, then he would treat her son badly. She stated that her son had committed suicide due to severe harassment meted to him by Jobanpreet Singh and requested for taking action against Jobanpreet Singh on the basis of aforesaid statement FIR in question was registered.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was the Manager of company where deceased was working and the deceased had taken an excess amount of Rs.2,55,000 of the firm and petitioner was asking him to return the same. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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:

“The role of the petitioner.

That, it is humbly submitted that deceased has given the narrative of his grievance to his mother (complainant) and also the sequence of events which led the son of the complainant to take the ultimate steps by ending his life being reflected in whatsapp messages exchanged between petitioner/accused and deceased. The complainant, who has been residing with the deceased also stated to have talked to the petitioner/accused in the intervening night of 23/24.10.2024. There are specific accusation against the petitioner/accused for harassing the deceased. There are specific allegations, according to statement of mother of deceased that petitioner/accused played role in a tragic event and allegation against the accused that he forced the deceased to take this step by exerting immense pressure upon him.”

REASONING:

7. An analysis of the arguments, which led to final outcome is that the deceased had taken Rs.2,55,000/- from the firm, petitioner being Manager asked by the deceased to return the amount. Deceased took extreme step instead of return the money. There is no other evidence qua harassment.
8. 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.
9. 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.
10. 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:

11. 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.
12. 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)	

13. This order is subject to the petitioner's complying with the following terms.
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. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrL.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

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 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. 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.

21. ***This bail is conditional, and the foundational condition is that if the petitioners 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.***

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

23. 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.

24. **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.