



CRM-M-28222-2025

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

CRM-M-28222-2025
Date of decision: 08.07.2025

Somi Ram @ Somi and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Inderjit Singh, Advocate
 for the petitioners.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
022	05.04.2025	Kotfatta, District Bathinda	115(2)/118(2)/351(2)/191(3)/ 190 of BNS, 2023

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 8 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“on dated 04.04.2025, a telephone was received from DCR Bathinda to PS Kotfatta that Deepu Singh Son of Bhola Singh resident of Balianwali admitted into Civil Hospital, Bathinda after sustaining injuries, action be taken but due to law and order duty at Maiserkhana Fairs, action could not be taken. On which, ASI Balwinder Singh 1454/Bathinda along with CT Lovepreet Singh 936/Bathinda, PHG Angrej Singh S/5/73 reached at AIIMS Hospital, Bathinda and presented application before concerned medical officer to ascertain about fitness of injured Deepu Singh to record statement, whereupon concerned medical officer had declared injured Deepu Singh as fit to record statement and handed over MLR No.MS/105/CHBT1/2025 pertaining to injured Deepu Singh, wherein total 4 injuries were recorded to be inflicted and out of these, Injury No.1 was Blunt and 2, 3, 4 were Sharp. Then



CRM-M-28222-2025

ASI Balwinder Singh along with police party reached near the bed of injured Deepak Singh and got recorded his statement, which is reproduced as under:-

"Statement of Deepu Singh Son of Bhola Singh Son of Tulsi Ram resident of Balianwali, PS Balianwali, aged about 24 years, Mobile No 99152-05204. Stated that I am resident of above mentioned address. I being a carpenter used to making doors for houses. I have a carpentry shop at Chanardhal. On dated 03.04.2025, I went to fair (Mela) at Maisarkhana by bus from my shop and I got down from bus at bus stop Maisarkhana. After this, when I started to get entered the fair (Mela) through Shera Wala Gate, I was still about 20 steps ahead of the Shera Wala Gate then at about 10:30PM. Lakhwinder Singh alias Lakhu Son of Bhola Singh armed with 'Dah', Sanny Singh, Mani Singh Sons of Hardev Singh, Kalu Singh, Maninder Singh Sons of Charna Singh, Geji Son of Bagga Singh, Somi Singh Son of Darshan Singh all residents of Balianwali were seen coming from the side of fair (Mela) towards Shera Wala Gate. When I started crossing them, Somi Singh and Lakhwinder Singh raised lalkara saying catch him as he escaped at the time of election of Sarpanch and today he should not go scot free. The above said persons surrounded me. Kalu Singh, Maninder Singh and Geji Singh caught hold of me from arms, Sanny Singh hit me with 'Kara' wearing in his arm, which struck me on right side behind the head. Lakhwinder Singh attacked me with 'Dah' and I raised my left hand in myself defense, which hit on the middle finger of my left hand. Mani Singh attacked me with 'Kara' wearing in his arm, which hit on left side behind the head. I fell down on the ground. Somi Singh attacked me with 'Kara' wearing in his arm, which hit on my right eyebrow. I raised noise 'Maarta-Maarta' upon which, a large number of people had gathered then all the above mentioned persons ran away from the spot while going they said that today I saved and threatened to kill me if I met them again. My father Bhola Singh came to the spot after some time and got me admitted in Civil Hospital Bathinda, where I was referred to AIIMS Hospital, where my treatment is going on. The motive is that there was a dispute during the voting with the above mentioned persons for which the Panchayat had got the matter compromised. But the above mentioned persons, Lakininder Singh Lakha etcetera still had a grudge, to take revenge for the same dispute, seeing me alone at the fair (Mela) Maisarkhana, the above mentioned persons in connivance with each other attacked me and gave me injuries. Legal action be taken against the above mentioned persons. I have got recorded my statement. heard it and found to be correct. Sd/- Deepu Singh above mentioned, corroborated statement by Sd/- Bhola Singh Son of Tulsi Ram (father) and attested by Sd/- Balwinder Singh 1454, PS Kotfatta, District Bathinda Dated 05.04.2025."



CRM-M-28222-2025

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 petitioners and their family.

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

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

“G. The evidence against the petitioners.

As per record, the statement of complainant/injured Deepu Singh as well as circumstances of case FIR, the accused/petitioners were prima facie committed the offences involved in the present case FIR, as stated earlier, they all had given merciless beatings to injured Deepu Singh with their deadly weapons in connivance with each other and unlawfully assembled with each other.

H. The role of the petitioners.

As per record, the accused/petitioners being active part of unlawful assembly and under conspiracy had given merciless beatings to injured Deepu Singh with their deadly weapons as such they all had prima facie committed the offences involved in the present case FIR.”

7. The injuries attributed to petitioners No.1 and 2 were simple in nature, however injury attributed to petitioner No.3 is grievous in nature which is on the finger of hand which is not a vital part of the body.

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.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

11. Given above, provided the petitioners are not required in any other case, the petitioners 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



CRM-M-28222-2025

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 petitioners 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. The petitioners 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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.

15. Given the background of allegations against the petitioners, it becomes paramount to protect the victim, 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 petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioners shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the



CRM-M-28222-2025

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.

16. 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."

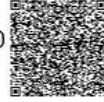
17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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

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 petitioners 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.



CRM-M-28222-2025

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

(ANOOP CHITKARA)
JUDGE

08.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.