

CRM-M-29509-2025
Reserved on : 10.07.2025
Pronounced on: 18.07.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Monty Goyal, Advocate for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Mr. G.S. Virk, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
06	23.02.2024	Jodan, District Ludhiana, Punjab	452/308/323/324/294/506/427/148/ 149 IPC and 25 of Arms Act

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 14 of the bail application and para 23 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	66	18.08.2019	341/323/506/427/148/149 IPC and Sections 25/27 Arms Act	Jodhan
2.	137	30.06.2022	323/341/148/149/506 IPC	Sarabha Nagar, Ludhiana 1.
3.	07	23.02.2024	458/427/506/148/149 IPC	Jodhan 2.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"2. That the brief facts of the case are that on 23-02-2024, complainant Sukhvir Singh son of Kamaljit Singh r/o village Rattna gave statement to the police that on 20-02-2024 he was present at his house. His friends Varinder Singh along with Satwinder Singh came to his house to take video camera from him at about 6:00 PM. He came out of his house to take them into his house. In the meantime one Maruti car, one swift car and 4 motor cycles

came there. He identified Love Mandeep Singh, Jatinder Singh @ Janti armed with Kuharies (petitioner), Amandeep Singh @ Baba, Prabhjot Singh @ Pappa armed with gandasies, Hassandeep Singh armed with danda, Harmandeep Singh @ Happy armed with danda, Lovepreet Singh @ Lali and 8 unidentified persons armed with weapons came there on those vehicles.

3. That the complainant further stated that Petitioner Jatinder Singh @ Janti gave kuhari blow from its sharp side on the left leg of Satwinder Singh. Hassandeep Singh gave danda blow on the left side chest of Satwinder Singh. Then the assailants attacked him and Varinder Singh. The complainant & his friends entered into his house to save themselves. But the assailants also entered into his house and have beaten them. The assailants also caused damage to car No. PB-13-BG-5640 of his friends & also his car No. PB-10-JJ-0613. These persons have also beaten their ladies. Lovepreet Singh @ Lali has fired in the air from his weapon. People gathered there. Then the assailants ran away from the spot. On this statement FIR No. 6 dated 23-02-2024 u/s 452/308/323/324/294/506/427/148/ 149 IPC and u/s 25 Arms Act was registered in PS Jodhan against the petitioner, the above mentioned other accused and unidentified persons."

4. Counsel for the petitioner submits that petitioner has been falsely implicated in the present case and no injury has been caused on the vital part of the body of any victim or complainant. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any, and the petitioner would stay away from the property/work place, residence of the victim and he will not pressurize, induce, threaten the victim or his family members. 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 his 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. Counsel for the complainant submits that that they be given right to file cancellation of bail, in case, petitioner repeats the offence.

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

"G. The evidence against the petitioner.

Statements of complainant Sukhvir Singh, injured PWs Satwinder Singh and Varinder Singh and their medical examination report.

H. The role of the petitioner.

Petitioner was one of the members of the unlawful assembly. He has caused blow of kulhari from its sharp side on the left leg of PW/injured Satwinder

Singh."

REASONING:

8. No injury has been caused on the vital part of the victim/complainant and injuries are simple in nature. 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. 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.
10. Given above, provided the petitioner is not required in any other case, the petitioner 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 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.
11. 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) | |
12. This order is subject to the petitioner's complying with the following terms.
13. 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.

14. 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.

15. *This bail is conditional, and the foundational condition is that if the petitioner 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*

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

17. 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.

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

18.07.2025
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(ANOOP CHITKARA)
JUDGE

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