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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on: 03.07.2025

Amritpal Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Sumit Saddi, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
100	12.05.2025	Bhawanigarh, District Sangrur	115(2), 331(6), 191(2), 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 10 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“.... the brief facts of case FIR No. 100 dated 12.05.2025 u/s 115(2), 331(6), 191(2), 190 BNS 2023 P.S. Bhawanigarh are that on 04.05.2025, a medical ruqa regarding the admission of injured Swaranjeet Kaur wife of Rajinder Singh resident of Kakra at CHC Bhawanigarh, was received. Whereupon ASI Nirbhai Singh reached at CHC Bhawanigarh and obtained report from the doctor that whether injured is fit to give statement to otherwise and the doctor reported that injured was referred



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to RH Patiala. MLR No. CA/01/BHG/2025 of injured Swaranjeet Kaur was obtained, in which I injury as blunt kept for eye opinion was reported. On 07.05.2025, Rajinder Singh husband of injured Swaranjeet Kaur recorded his statement before ASI Nirbhai Singh that they would take further action after the recovery of Swaranjeet Kaur. Then on 09.05.2025, Swaranjeet Kaur recorded her statement before the I.O. that, "my daughter Amandeep Kaur performed court marriage with Raja Singh son of Pargat Singh resident of Rai Singh Wala. My son Gurjit Singh told Raja Singh on phone, not to pass in front of our house alongwith our sister Amandeep Kaur. On 03.05.2025, the time would be about 9:30 PM, when I, my husband Rajinder Singh, my both daughters and son Gurjit Singh were at home and then, on the asking of above Raja Singh, the persons namely Amritpal Singh son of Raghvir Singh resident of Dhandran (Dhuri) now Kakra, Jaspreet Singh @ Jassi son of Hardev Singh, Lovepreet Singh @ Ghoti son of Darshan Singh, Labh Singh son of Gurmail Singh and Jaspreet Singh @ Nanu son of Som Parkash Singh resident of Kakra have forcibly entered in our house and started abusing us and give fist blows to us. During quarrel, my husband and son grappled them and then Lovepreet Singh Ghoti, pick brick lying nearby and gave brick blow on my right eye and on raising alarm, people gathered and on seeing the gathering, above persons ran away from the spot. My husband Rajinder Singh got me admitted at Civil Hospital Bhawanigarh, from where I was referred to Rajindera Hospital Patiala, then I was referred to PGI Chandigarh. Action be taken against them."

4. The petitioners' counsel prays for bail and submits that petitioners would not repeat the offence and would not involve themselves where sentence is more than seven years and if they do so, they have no objection if the Complainant files application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State's counsel opposes bail and submits that in case this Court grants bail to the petitioners, it should be clarified that bail granted to the petitioners shall not be claimed as precedent by Lovepreet Singh, main accused who was attributed injury on eye of the victim. Complainant also opposes the bail and makes the similar statement.

6. It would be appropriate to refer to the following portions of the reply, which read

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as follows:

“THE ROLE OF THE PETITIONERS

Role of the petitioners is that all the four accused/petitioners and their co-accused Lovepreet Singh @ Ghoti on 03.05.2025 at about 9:30 PM, in connivance with each other had forcibly entered in the house of Swaranjeet Kaur during night hours and kicked and punched her and their co-accused Lovepreet Singh @ Ghoti (main accused) gave brick blow on the right eye of complainant.

REASONING:

7. Allegations against the petitioners are that they had entered in the house of the complainant and inflicted injuries. Considering the fact that main injury has been attributed to one Lovepreet Singh, who has not come up before this Court for grant of bail and role attributed to petitioners is on lower footing, present petitioners make a case for bail.

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 petitioner makes a case for bail.

CONDITIONS:

11. Given above, provided the petitioners are 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 petitioners shall mention the following personal identification details:



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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 petitioners’ 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 petitioners 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.

14. The petitioners are directed to join the investigation 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.

15. 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 (CrI.) 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 petitioners, 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



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within fifteen days 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 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.

20. **The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.**

21. **The concerned SSP to look into the fact about addition of Section 331(8) of BNS 2023 and if such section is added, advance notice be given to the petitioners to avail their rights by filing anticipatory bail straightway either before this Court or trial Court.**

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22. ***This bail is conditional, and the foundational condition is that if the petitioners repeat the offence or indulge themselves in the offence where sentence is more than seven years, the State may file an application for cancellation of this bail as well in other pending cases, if any, before the Sessions Court, which shall have the liberty to cancel this bail.***

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

24. 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.

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

(ANOOP CHITKARA)
JUDGE

03.07.2025

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Whether speaking/reasoned: Yes
Whether reportable: No.