

CRM-M-36910-2025
Date of decision: 16.07.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
77	10.04.2025	Model Town, District Hoshiarpur	132/221/121/324(4) of BNS, 2023 and Section 3 of Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008

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. In paragraph 12 of the bail petition, the petitioner has no criminal antecedents.
3. State counsel submits that she has complete instructions about the matter, given that one of the co-accused's matter was decided and the order has been annexed with the petition as Annexure P-3. This Court does not deem it appropriate to ask for filing a response in the present petition. The facts and allegations are being taken from the paragraph No.3 of order dated 12.05.2025 in CRM-M-22779-2025.

“2. That it is submitted that the complainant Dr. Kirandeep Kaur submitted an application bearing No.277-Dasti dated 09.04.2025 to SHO, P.S. Model Town, Hoshiarpur that on 8.4.2025 at about 11:40 pm, family members of deceased Manpreet son of Ram Kishore resident of Bass Bahia came in car bearing no. PB07CG-1164 in Emergency ward Civil Hospital, Hoshiarpur. They forcibly told the doctor that their patient has died and he should be declared dead. They were told that that an investigation into the deceased would only be done in an emergency and Ashok Class-IV employee was sent with them to take the deceased in emergency. When Class-IV employee went to take the patient with them, they gave beating to him and when they took the patient in the emergency, they started destroying the goods lying in the emergency room and



they also used filthy language against the doctors and other staff members. Action be taken. On this, the SHO, P.S. Model Town, Hoshiarpur marked the aforesaid application to ASI Jagga Ram P.S. Model Town, Hoshiarpur for necessary action. From the contents of the application as well as from the MLR of the complainant, offence U/s 132, 221, 121, 324(4) of BNS and section 3 of Prevention of Violence and Damage to Property Act 2008 was found to be committed. Accordingly, FIR No.77 dated 10.04.2025 U/s 132, 221, 324(4) of BNS of 2023 and 3 of Punjab Protection of Medicare Service Persons and Medicare Service Institutions (prevention of Violence and Damage to Property) Bill, 2008 was registered at P.S. Model Town, District Hoshiarpur.”

4. Counsel for the petitioner, on instructions, submits that in case, this Court grants bail to the petitioner, he undertakes to live like a decent human being and a civilized member of the society. In case, he is found guilty, he would have no objection, if the recovery of loss due to damage to the hospital is also made from him. 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 on instructions.

REASONING:

6. Petitioner has not named in the FIR as the present FIR was registered against the unknown persons and no recovery is to be effected from him. 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.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, undertaking of petitioner and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

8. 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.

9. 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)	

10. This order is subject to the petitioner’s complying with the following terms.
11. 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.
12. 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.
13. 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.”
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. 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.



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

16.07.2025
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(ANOOP CHITKARA)
JUDGE

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