

CRM-M-39251-2025
Date of Decision:02.08.2025

2. CRM-M-39255-2025

CORAM:- HON'BLE MR. JUSTICE ANOOP CHITKARA

Mr. Jasdev Singh Thind, DAG, Punjab.

Anticipatory bail under section 482 BNSS			
FIR No.	Dated	Police Station	Sections
101	27.06.2025	SGN Dev Thermal Plant, District Bathinda	118(1), 351(2) and 3(5) of BNS.

2. 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.

3. As per paragraph No.14 of the bail petitions, the petitioners have clean antecedents.

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

"4. That on 23.06.2025, police party the complainant, received Information that Satnam singh, has been admitted to the Civil Hospital, due to injuries caused during a fight. Thereafter, the police party reached at Civil Hospital Bathinda and obtained MLR report vide GA/CHBTI/80/2025 of injured/complainant Satnam Singh, wherein total 7 injuries were reported and out of which 1,2 and 3 were sharp in nature and 4,5,6 and 7 were blunt in nature and on that day, the complainant requested get recorded his statement after one or two days, in this regard DDR was duly entered. On 26.06.2025, police party once again reached at Civil Hospital, Bathinda to get recorded the statement of the complainant, on that day the complainant told that the matter was under the to of process compromise between both parties (complainant and accused) and in this regard a DDR No.23 dated 26.06.2025 was entered.

5. That on 27.06.2025, the complainant got recorded his statement with the police, wherein he stated that on 22.06.2025, he (the complainant) was at his home with his mother and his wife, where Harbans Singh (father in-law of the complainant) had come to meet the family of the complainant and the co-accused Manpreet Kaur (complainant's sister) and Chamkaur Singh (husband of the co-accused Manpreet Kaur) had come to the complainant's house to meet them.

6. That on 22.08.2025. At about 11:00 PM, co-accused Manpreet Kaur started taunting complainant's wife. when the complainant the intervened and stopped the co-accused Manpreet Kaur from taunting his wife, then the co-accused Manpreet Kaur got agitated and started quarrelling with the complainant and she (the co-accused Manpreet Kaur) made a phone call to the accused-

petitioner complainant's Bhua) to (son reach of at the the complainant's house. Thereafter, the accused-petitioner, along co-accused Shankar Singh arrived at the house of the complainant. The accused-petitioner was carrying a "Kirpan" and co-accused Shankar was carrying "Garari" and both of them started giving lalkaras. Then the co-accused Manpreet Kaur instigated both the accused-petitioner and co-accused Shankar to teach a lesson to the complainant for messing with her. Further, when the complainant tried to approach and the co-accused the accused-petitioner Shankar, but the co-accused Shankar attacked of the the complainant with "garari" which hit on the head and left arm of the complainant, somehow the complainant caught hold of the "garari" to save himself. The accused-petitioner attacked the complainant with his Kirpan resulting to cause injuries on the chest, shoulder and right Resultantly, the hand complainant. complainant fell down on the ground and the accused (s) beaten up the complainant with kicks, due to which the complainant suffered injuries on his back. The complainant raised hue and cry of of hearing the same, the father in-law, wife and mother of the complainant came at the spot to save 'Marta-Marta', and upon the complainant. Upon seeing them, the accused-petitioner, co-accused Manpreet Kaur and Shankar ran away from the spot along with their respective weapons. The motive behind the occurrence was had that the complainant intervened and stopped the co-accused Manpreet Kaur from taunting his wife and due to this grudge, the co-accused Manpreet Kaur, called the accused-petitioner and co-accused Shankar on the spot give beatings to the to the complainant. Thereafter, got admitted to the Civil Hospital, Bathinda.

7. That after recording the aforesaid statement, prima facie the FIR 101 dated 27.06.2025, under section 118(1), 351 (2) and 3(5) BNS, PS-S.G.N Dev Thermal, District Bathinda was registered against the accused-petitioner, the co-accused Manpreet Kaur and Shankar.

5. 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 petitioner and their family. He further submits that in compliance of the order dated 05.03.2025, petitioner joined the investigation.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the reply.

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

“THE ROLE OF THE PETITIONER

16. That on 22.06.2025, the accused-petitioner, inter alia, came to the complainant's house while being armed with a kirpan and attacked the complainant with his Kirpan and inflicted injuries to the complainant and also gave beatings to the complainant and also gave beatings to the complainant with kicks.

9. Petitioners have already joined into investigation and made the compliance of order dated 24.07.2025 and has undertaken to follow the conditions.

10. 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.

11. 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. 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.

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

CONDITIONS

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

14. 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)	

15. This order is subject to the petitioner’s 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 petitioner 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.

16. 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.

17. 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 (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

18. 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 the uploading of this order on the official webpage of this Court 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.

19. 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."

20. 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.

21. 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.

22. 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.

23. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19. or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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



25. 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.

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

27. A photocopy of the order be placed on the file of other connected case.

(ANOOP CHITKARA)
JUDGE

02.08.2025

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>