

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42107-2025
Reserved on: 11.09.2025
Pronounced on: 17.09.2025

Prabh @ Sagar @ Prabhjot Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshdeep Khadilal, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
76	17.07.2025	Bajakhana, Distt. Faridkot	118(1), 115(2), 127(1), 351(2), 191(3), 190 of BNS

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. As per paragraph 8 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Lovepreet Singh alias Lavi son of Ranjit Singh son of Nachhattar Singh, resident of village Bargari, Tehsil Jaito, District Faridkot, aged about 28 years Mobile No.98159-xxxx, Stated that I am the resident of the abovesaid address and doing agriculture work. On 17.07.2025, it would be around 08.30 AM that to get my spray drum repaired. I was going to Guru Nanak Medical Store on my motorcycle No.PB-62-N-3211 Brand Platina Bajaj to fetch the medicines, after keeping my spray drum on the shop of Giani Drumwala. When I reached near the Arora Shoes shop then from the front side Vicky @ Jatinder Singh son of Gurdit Singh resident of Bargari called me, I stopped there, thereupon, all of a sudden Prabh (Sagar) son of Nirmal Singh resident of village Jhakarwala armed with Kirpan (sword) and Shehbaz Singh son of Binder Singh resident of village Bargari armed with Kappa and me Harry son of unknown resident of Bargari armed with baseball alongwith them four-five persons rounded me up and started hurling me abuses. Then Prabh (Sagar) raised a lalkara (challenge) that Lavi should not go scot-free today. In the meantime, above said Shehbaz Singh tried to give his armed Kappa blow directly on my head then I raised forward my left hand to save my head, which hit on my left hand. Then abovesaid Prabh (Sagar) hit second blow from the reverse side of his armed kirpan on the left side of my stomach and

the abovesaid Harry inflicted internal injuries with his armed baseball, and all three of them and unidentified persons also did pushing-jolting with me, and on seeing the people gathering there, Shehbaz Singh and others alongwith their respective weapons ran away from the spot by riding on their respective motorcycles. On hearing my hue and cry Jasdeep Singh son of Jagtar Singh and Beant Singh son of Jaskaran Singh residents of Bargari saved my life from them, and after arranging for the vehicle got me admitted in the Civil Hospital Kotkapura, where due to more injuries on my hand the doctor did not admit me. My family members got me admitted at Max Hospital, Bathinda. Earlier the doctor of Civil Hospital Baja Khana did not entertain my case due to more injuries. Now, I am undergoing treatment at Max Hospital Bathinda. The cause of animosity is that three-four months ago they had hot discussion with my friend Jasdeep Singh son of Jagtar Singh resident of Bargari. After getting angry on this point, Shehbaz Singh and others by surrounding me up at the bus stand Bargari have caused injuries to me. Appropriate legal action be taken against all of them.”

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 petitioner and his family.

5. 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.

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

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

“19.G. The evidence against the petitioner.

i) Statement of the complainant.

ii) MLR of the complainant.

H. The role of the petitioner.

Petitioner was armed with a Kirpan (sword) at the time of the occurrence and, after raising a lalkara (exhortation), he inflicted a blow with the reverse side of his sword on the left side of the stomach of the injured/complainant Lovepreet Singh @ Laviand dragged him.”

REASONING:

8. Injury attributed to petitioner from the reverse side of the kirpan, injury on the person of victim are two in number, one is sharp and one is blunt. 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. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

10. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. 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

¹Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in SiddharamSatlingappaMhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh &ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

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.

15. 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. 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.

17. 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.

18. 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, the State shall 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 as per their discretion, they may cancel this bail.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

(ANOOP CHITKARA)
JUDGE

17.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.