

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44717-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Deepak Singh @ Deepak ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhisham Kinger, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
65	13.05.2025	Bhikhiwind, Tarn Taran	115(2), 117(1), 118(2), 351(1), 3(1), 3(5) 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. Per paragraph 7 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

“3. That the true facts pertaining to the present case are that the complainant namely Rawaldeep Singh son of Daljit Singh got recorded his statement before the Investigating Officer to the effect that he is resident of above said address and is Sewadar in Shri Darbar Sahib, Amritaar. He, his parents, his younger sister and his grandmother were at home. In his neighborhood lives the family of Dilbagh Singh son of Jarnail Singh, resident of Sursingh who often throws their household waste and other garbage in the street near their house, whom they have told earlier that they should not throw garbage in the street near their door but they did not listen them. On 13.02.2025, at about 10:30 AM, he was going to the market to buy groceries and then, Dilbagh Singh's family had thrown garbage in the street again. He met Dilbagh Singh in the street to whom he again said that why did he throw garbage in the street. Due to this, Dilbagh Singh got angry and exhorted to his son Subhash and grandson

Deepak to teach Rawaldeep Singh a lesson for making complaints every day. Then, Subhash son of Dilbagh Singh armed with a dagger (Kirch) and Deepak son of Rana armed with stick (Sota), came into the street while shouting. Then, Subhash Singh attacked him with his hand dagger (Kirch) and in order to save himself, he raised his left arm and the dagger (Kirch) hit his wrist under his left palm. Then, he gave another blow which hit the back of his right hand. Deepak also hit him with a stick and he raised the alarm then, his family members and aunt Kashmir Kaur wife Karam Singh, resident of Sursingh came forward to rescue him. Then, Deepak also hit gave a blow of stick upon the hand of his aunt and when hue and cries were raised, all the accused fled from the spot along with their weapons. His father arranged for a vehicle and admitted him to the Government Hospital Sursingh for treatment, where he was referred to Amritsar. He got himself checked at Guru Nanak Dev Hospital and went to Amandeep Hospital, Amritsar for treatment, where he was treated. The reason behind the occurrence is that Dilbagh Singh and others used to tell them that he wanted to humiliate them by asking them to pick up the garbage in the street. In this regard, the present case FIR No.65 dated 13.05.2025, under section 115(2)/117(1)/118(2)/351(1)/3(5) of BNS, 2023 has been registered at Police Station Bhikhiwind, District Tarn Tarun against the petitioner namely Deepak Singh as well as co-accused namely Dilbagh Singh and Subhash.”

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 their 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 short reply.

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

“ROLE OF THE PETITIONER:

14. That as far as the role of the petitioner is concerned, it is submitted that the petitioner has given a stick blow upon the hand of the aunt of the complainant while she and others were trying to save the complainant from the clutches of petitioner and co-accused. Moreover, the weapon used by the petitioner has also not been got recovered by the petitioner. As such, there are specific allegations against the petitioner and the petitioner has committed the serious offence and he is certainly not entitled for the concession of anticipatory bail.”

8. The injury attributed to the petitioner is with sota (stick) on the person of aunt of the complainant, however petitioner was holding a sota (blunt weapon); petitioner is a young boy of 18 years and has clean antecedents, as such this Court wants to afford him an opportunity to course correct. 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.¹ Personal 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 primafacie 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.

11. 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.

12. Given above, provided the petitioner is 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.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

¹ Supreme 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 *Siddharam Satlingappa Mhetre 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.

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)	

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 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. 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.

16. 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.

17. 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.

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

19. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

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20. 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.

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

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.