

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47309-2025
Reserved on: 08.09.2025
Pronounced on: 29.09.2025

Kamaljeet Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
103	10.12.2024	Maloud, Police District Khanna	115(2)/ 126(2)/ 118(1)/ 351(3)/ 3(5) BNS

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. Per paragraph 11 of the bail application and 5(J)(i) and 5(J)(ii) of the status report, petitioners No.1 and 3 have no criminal antecedents and petitioner No.2 has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	107	09.12.2021	323/341/506/148 IPC	Maloud

3. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

"At this time it is recorded that I ASI came present at police station after recording statement of Injured Balwinder singh son of Tarlochan singh resident of village Slaad PS Maloudh district Ludhiana regarding MLR no GUR/121/2024, the contents of which are as," statement of Balwinder singh son of Tarlochan singh resident of village Siaad PS Maloudh district Ludhiana aged about 35 years, mob no xxxxxx, stated that I am resident of aforesaid address and is a farmer. Yesterday dated 08.12.2024 I was coming to my home at village at Siaad from the house of my Aunt Charanjeet kaur wife of major singh resident of village Latala, PS Jodha, district Ludhiana

then it was about 05.15 PM when I reached Jhamat-siaad drain in the area of jhamatt PS Maloudh district Ludhiana on my motorcycle CT100 Bajaj no PB 10 FJ 2621 then Kamaljeet singh @ Babbu, son of Varinder singh @ kala resident of village siaad district Ludhiana armed with iron Dah, who came forward and waylaid my motorcycle. Gurwinder singh @ Gaggi, Harpreet singh @ Happy also came from behind on their motorcycles and Kamaljeet singh @ Babbu, Gurwinder singh @ Gaggi, Harpreet singh @ Happy gave abuses to me and scuffled with me. When I tried to run away, they again waylaid me, Gurwinder singh @ Gaggi, Harpreet singh @ Happy caught hold of me from my arms and Kamaljeet singh @ Babbu gave iron dah blow to me on my head and blood started oozing out. These three gave fist blows to me and when I raised alarm, they ran away from the spot with their weapon Iron Dah while giving threats to life. Passerby gathered there and Gurpreet singh son of mohan singh resident of siaad came there and called my father tarlochan singh son of bhagat singh at spot and my father tarlochan singh got me admitted at civil hospital for treatment, where I am under treatment. Motive is that we have criminal case pending in court due to which they have given beatings to me. Appropriate legal action be taken against them for beating me up.”

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 petitioners and their family.

5. The petitioner's counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat 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 petitioners shall have no objection.

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

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

“H. Role of the petitioners.

The role of the petitioners is specific and duly corroborated by medical and documentary evidence. Kamaljeet Singh (petitioner no.1) is attributed with the infliction of a sharp-weapon injury on the vital part of the complainant, whereas Gurwinder Singh (petitioner no.2) and Harpreet Singh (petitioner no.3) actively facilitated the occurrence by restraining the complainant and participating in the assault. The acts attributed to the petitioners clearly establish their common intention and direct involvement in the commission of the offence, warranting custodial interrogation for fair and effective investigation.”

8. 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

9. The Police did not arrest the petitioners; if they intended to arrest the petitioners, it was not impossible.

10. Given the nature of injury and role attributed to petitioner, this Court is inclined to grant bail. 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.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given above, provided the petitioners are not required in any other case, the petitioners 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 Ilqa 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 petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the	

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.

	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. The petitioners are 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 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.

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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. 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.

18. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide 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.

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.