

CRM-M-53014-2024 and connected cases
201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53014-2024

Decided on: 26.03.2025

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-60753-2024

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-58380-2024

Jasvir Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Chopra, Advocate and
Ms. Puja Chopra, Advocate for the petitioner in CRM-M-53014-2024.

Mr. Bhavyadeep Walia, Advocate
for the petitioner(s) in CRM-M-60753 & 58380 of 2024.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
120	10.09.2024	Urban Estate, District Patiala	452, 324, 427, 148, 149 IPC

1. This order shall dispose of three petitions as mentioned above. For the sake of brevity, facts have been taken from *CRM-M-53014-2024 titled as Sukhwinder Singh vs. State of Punjab.*
2. The petitioners apprehending arrest in the FIR captioned above have come up



CRM-M-53014-2024 and connected cases before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. Vide order dated 13.11.2024, the petitioner-Sukhwinder Singh was granted interim bail/ protection, which is continues to date and later on, the other petitioners have been granted interim bail on same term.

4. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“ xxxx Statement of Harpreet Kaur w/o late Gagandeep Singh r/o Village Khakta Khurd, PS: Sanaur presently residing as a tenant of at Street No.2, Tower Wali Street, Hira Bag, Patiala aged about 30 years, mobile no. 77195-72352. Stated that I am resident of aforesaid address and have been working as a dancer in Punjabi Culture Group. My mother Jaswinder Kaur alongwith my father Jasbir Singh and brother Sukhwinder Singh is residing in my neighbor, who often stop me from working. On 11.05.2024 at about 12:30 PM I heard a noise of hurling of abuses and of something been broken and when I went out, then I saw that my mother Jaswinder Kaur, father Jasvir Singh, brother Sukhwinder Singh @ Sukha r/o Hira Bag, Sarabjit Kaur @ Sanju, Rajni, Kalu, Sandeep (2) Soni and 4/5 known persons were standing outside and were breaking the Scooter bearing no. PB-11-DD-1993 of landlord and were abusing me. I stopped them for doing so then all the aforesaid persons ran after me carrying Dandas, Sota and Swords in their hands and in order to save myself I came inside the house and the aforesaid persons came after me carrying Dandas, Sota and Swords in side of my house and my mother Jaswinder Kaur caught hold me from my hair and threw me on the ground and started beating me. After which when I tried to go inside room in order to save myself then my brother Sukwinder Singh @Sukha gave a below on me with the sword which hit on my left arm, after which I entered inside the room and bolted the door from inside. On which the aforesaid persons tried to break open the door of my room but they could not break the door, then the aforesaid persons broke my house with Dandas, Sotas, bricks and stones and then went away to the house of Jaswinder Kaur from the roof of my house while threatening me of my life. After which my landlady Sunita w/o Amarjit Singh who was present at the spot got me admitted to Rajindera Hospital for treatment. There I am under treatment. From where I got the discharge on 12.05.2024 and came back home. That my mother Jaswinder Kaur, father Jasvir Singh, brother Sukhwinder Singh @ Sukha r/o Hira Bag, Sarabjit Kaur @ Sajnu to Shekhpur Enclave, Near University, Rajni r/o Hira Bag, Kalu r/o Rishi Colony, Sandeep @ Soni R/o Pattaran and 4/5 known persons entered inside my house, attacked me, gave me



CRM-M-53014-2024 and connected cases

beatings and also broke my house. Appropriate legal action be taken against the aforesaid accused. Jaswinder Kaur has got registered FIR no. 60 dated 12.05.2024 u/s 458, 325, 323, 506, 148, 149 IPC at PS: Urban Estate Patiala against me and other persons, due to which I was scared and could not get my statement recorded. On 05.09.2024 my interim bail was allowed by Hon'ble High Court. On 09.09.2024, after joining the investigation of the aforesaid case, I have recorded my statement in presence of Sunita Rani, read over and is correct.

5. Counsels pray for bail by imposing any stringent conditions. The petitioners' counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioners and family. The petitioners' counsel further submit that they will not interfere in the life of the complainant and if they do so, they have no objection if the State files an application for cancellation of bail.

6. The State's counsel opposes bail.

REASONING:

7. Petitioners are near relative of complainant i.e. father, mother and other family members and present FIR is a result of interference by them in the life of their major daughter/sister. There is sufficient prima facie evidence connecting the petitioners with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

8. The petitioners were granted interim protection, and during the interregnum, there is no allegation that they had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioners complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

9. The petitioners are directed to join the investigation as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act. 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



CRM-M-53014-2024 and connected cases
subjected to third-degree, indecent language, inhuman treatment, etc.

10. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall not enter the victim's property, workplace, and residence 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 (CrL.) 458; and *Aparna Bhat v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

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

12. **Petitions allowed** in terms mentioned above. Interim order dated 13.11.2024 passed in CRM-M-53014-2024, which was later on adopted in other petitions, is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.