

CRM-M-57466-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57466-2024
Reserved on: 07.01.2025
Pronounced on: 29.01.2025

Pargat Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurvinder Singh Aulakh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0137	15.08.2024	Lambi, District Sri Muktsar Sahib	118(1), 115(2), 3(5) [Added later on Section 118(2)] of BNS 2023

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the instant FIR No. 137/2024 (supra) has been registered on the basis of statement of Jalour Singh s/o Balvir Singh r/o Mahuana who stated that he is an agriculturist by occupation. In his village he had purchased 03 kanals land nearby the residence of Sukhdev Singh s/o Harnek Singh. A electric wire crossing over the land which led to the Dhani of Sukhdev Singh. To get the wire shifting at corners, he had moved an application to the Electricity department because they have work of making bundles of fodder so that any incident of electrocution to the workers and loss of human life be prevented. On 10-08-2024, they themselves tried to raise the height of electric wire, the same had broken

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down. Due to this grudge, Sukhdev Singh above named and his sons Pargat Singh and Nirmal Singh @ Happy had caused injury to his son Hardeep Singh. On 14-08-2024 the Police had taken preventive measures against them. They were released on bail and came back to Village. At 06-30/07-00 PM he was standing in front of his house, then Sukhdev Singh armed with Daang, Pargat Singh holding a kirpan and Nirmal Singh alias Happy was also armed with kappa, came there and Pargat Singh gave a blow of his kirpan, the complainant- victim raised his left hand to ward off the attack and kirpan hit at the little finger of his hand. With the assault of daang by Sukhdev Singh, the complainant fell down on the ground. They gave kicks to the complainant. On raising alarm, the accused fled away with their respective weapons.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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

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

“Role of the petitioner

7. That in the commission of crime, the petitioner has participated actively and inflicted injury to the victim with his weapon ‘Kirpan’. The grievous injury is also attributed to the present petitioner as evident from the injury chart mentioned above.

Evidence against the petitioner

8. That investigation of the case has been completed on 19.11.2024 and challan has been presented in the Court of competent jurisdiction on 22.11.2024, cited the name of PWs including the victim-Jalour Singh and eye witness Kuldeep Singh and Labh Singh and their evidence in this case is natural and sufficient to unequivocally prove the culpability of the petitioner. The weapon of crime also recovered from the petitioner and is a piece of tangible evidence against petitioner.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 16 of the bail petition, the petitioner has been in custody since 22.08.2024. Per the custody certificate dated 06.01.2025, the petitioner's total custody in this FIR is 04 months & 12 days.

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9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

10. 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 bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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. 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.

14. 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.

15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

17. 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

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download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

29.01.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.