

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60486-2024 (O&M)
Reserved on: 01.04.2025
Date of Pronouncement: 08.04.2025

Ajit Singh
.....Petitioner(s)
Versus
State of Punjab
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.K. Khunger, Advocate
for the petitioner(s)

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

DDR No.	Dated	Police Station	Sections
34	31.7.2024	Khui Khera, District Fazilka	118(1), 115(2), 126(2), 3(5) BNS and 118(2) BNS (added later on)

IN

FIR No.	Dated	Police Station	Sections
62	30.7.2024	Khui Khera, District Fazilka	333, 118(1), 115(2), 324(4), 191(3), 190 BNS

- The petitioner apprehending arrest in the DDRs captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
- As per note attached to the bail application as well as the reply filed by the State, the accused has no criminal antecedents.
- The facts of the case are being taken from the DDRdated 15.3.2025 filed by the concerned DySP, which reads as follows:

“Statement of Ravinder Kaur wife of Jaswant Singh son of Sona Singh, resident of Ghallu, aged about 53 years, Mobile BNo, 62848-58173. Stated that I am resident of the above mentioned address and doing the work being Anganwari Worker in the Primary School in the + itself. On 28.07.2024, it would be at about 8:15 AM as when I made a phone call to Joginder Singh Sarpanch of the Village that our dispute was pending with Parkash Kaur wife of Chiman Lal regarding

taking away our daughter in law Gagandeep wife of Krishan Singh, said that you have brought Navdeep to the house and did not make settlement with us. Thereafter just after sometime, I had been going to the shop of Rinku for purchasing some edibles for my grandson Harjot Singh, then I was behind from the gate of house of Sarpanch Joginder Singh, Parkash Kaur and Amandeep daughter of Surinder Pal Singh, who were standing in the street and I inquired from Parkash Kaur that without conducting settlement with us, you have brought your son Navdeep to the house. Thereafter they said that earlier what you have caused to us and now what you will cause to us. Earlier also when I went to the shop of Rinku for purchasing articles, then at that time also, they were causing harassment to me, because the street leading to their house itself goes to the shop of Rinku. Thereafter Parkash Kaur started committing altercation with me and started hurling abuses to me. Parkash Kaur and Amandeep raised lalkara that catch her and in accordance with their planning Navdeep Singh alias Neetu son of Chiman Lal, Surinder Pal Singh son of Harnam Singh, Gurbinder Singh son of Surinder Pal Singh, Ajit Singh son of Chiman Lal, Amarjeet Singh alias Amri son of Pala Singh one two unidentified persons were already sitting at the house of Parkash Kaur. Both Surinder Pal Singh and Gurbinder Singh were having sharp edged weapons in their hands. Surinder Pal Singh gave blow to me, I raised my left hand above in order to save me, which hit on the little finger of my left hand and the same was kappa type weapon, then I fell down on the ground after having become unconscious. Ajit Singh gave blow with his dang on my right thigh. Thereafter Amarjeet Singh alias Amri hit me with dang, which hit on my right arm. Amandeep Kaur and Navdeep Singh & Parkash Kaur slashed my clothes and dragged me by catching hold from hair. Navdeep Singh son of Parkash Kaur had taken away my daughter in law Gagandeep Kaur. We had said to them that return our daughter in law Gagandeep Kaur, due to which they were committing dispute with us, regarding which earlier also we have submitted application to the senior officers and all the members of my family had since gone to the field for work. Someone from the village told the members of our family that Parkash Kaur etc have been giving beatings to your wife. Thereafter my family members came at the spot, then I was unconscious and my clothes were since torn. Thereafter my son Krishan Singh after making arrangement of a conveyance got me admitted at Civil Hospital Fazilka, where I am under treatment. This occurrence which has taken place, the same has taken place in the street near the house of Sarpanch Joginder Singh. The statement has been got recorded to you, gone through, the same is correct. Signature in English Ravinder Kaur above.”

4. Petitioner’s counsel prays for bail and has no objection to imposing of any stringent conditions, including surrender of firearms, restricting movement of the petitioner in and around the property/home/workplace of the complainant-victim.

5. The State’s 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:

“That the role of petitioner in commission of offence is that the petitioner was one of the assailants who attacked aforesaid Ravinder Kaur (complainant of cross rapat) and inflicted injuries on her person while being armed with deadly weapons. Therefore, the petitioner cannot shirk his criminal liability.”

7. An analysis of the petition, reply and documents placed on record leads to the

following outcome:

8. Allegations against the petitioner are that he attacked the victim Ravinder Kumar with *daang* on her thigh. At this stage, it is impossible to find out who is aggressor, as it is a case of version and cross-version. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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, especially it being a cross-case.

9. 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.

11. Given above, provided the petitioner is not required in any other case, he shall be released on anticipatory bail in the DDR 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 Illaqa 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.

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

1.	AADHAR number	
2.	Passport number (If available)	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates.

11. 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.

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

13. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

17. 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.

18. 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.

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

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

21. 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.

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

08.04.2025

AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO