

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62353-2024
Reserved on: 14.02.2025
Pronounced on: 20.02.2025

Iqbal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Navjot Kaur, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
224	23.10.2024	City Jagraon, District Ludhiana	308(5), 351(2), 3(5) of BNS (Section 238 BNS added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That the brief facts of the case are that on 23-10-2024 complainant Sukhwinder Kaur wife of Baljit Singh resident of Gali No. 01, Ajit Nagar, Raikot Road, Jagraon gave statement to the police that they have one more house near their residential house where they used to park their vehicles. They have also constructed one temple of Mata Chintapurni Ji in that house. Her eldest son Jaskaran Singh aged about 20 years does worship in that temple. They have installed many idols of goddesses in that temple. Many people from her neighborhood and from city area used to come to pay obeisance at their temple.

3. That the complainant further stated that on 17-10-2024 at 4:00 PM, she was present in her house. Her son Lakhwinder Singh was also present in the house. The petitioner along with other unknown persons armed with kirpans came there. These persons asked them why they

have built temple in the house and they threatened the complainant to close this temple. They also told the complainant that if they do not want to close the temple then give them money. The petitioner aimed the kirpan at the neck of the complainant and demanded amount of Rs. 50,000/- from her. They also threatened to kill them if they will not make payment. The complainant told the OTARY petitioner and his companions that today they have no money and come tomorrow and they will arrange the money by that time.

4. *That the complainant further stated that on 18-10-2024 at about 7:45 AM, petitioner Iqbal Singh armed with kirpan came to her house. She along with her husband and both sons were present in the house. The petitioner threatened them that if they will not make payment then he will kill all her family members. Due to fear her husband handed over amount of Rs. 30,000/- to the petitioner. But the petitioner scared towards the complainant and her family members. Then her son Jaskaran Singh make more payment of Rs. 10,000/- through Google pay to the petitioner.*

5. *That the complainant further stated that now the petitioner Iqbal Singh is again demanding amount of Rs. 20,000/- from them and he is threatening to kill them if this payment is not paid. In this way the petitioner and his companions have extorted money of Rs. 40,000/- from them by threatening to kill them. She requested the police to take action against the petitioner and others. On this statement, FIR No. 224 dated 23-10-2024 u/s 308 (5), 351 (2), 3 (5) of BNS has been registered in PS City, Jagraon against petitioner Iqbal Singh and unknown persons.”*

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 status report.

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

“9 (A.) That the role of the petitioner in this case is that he along with his companions have extorted money amounting to Rs. 40,000/- from the complainant and her family members by putting kirpan at the neck of the complainant. Even after taking this amount from the complainant, the petitioner again demanded more amount from the complainant and her family members and again threatened them for non- payment of amount.”

REASONING:

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. Per paragraph 6 of the status report, the petitioner has been in custody since 23.10.2024. The petitioner's total custody in this FIR is more than 3½ months. 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 for further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. 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 be at liberty to cancel this bail.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

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

16. 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

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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.

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

(ANOOP CHITKARA)
JUDGE

20.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.