

CRM-M-63340-2024 and two connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63340-2024
Reserved on: 07.04.2025
Pronounced on: 22.04.2025

Raja Giri ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-875-2025

Satinder Singh @ Jojo ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-7924-2025

Sunil @ Sahota ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Rana, Advocate
for the petitioner(s).

Mr. Adesh Pal Singh, AAG, Punjab.

Ms. Mehak Sharma, Advocate for
Mr. Sharwan Sehgal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
98	02.11.2024	PAU, District Police Commissionerate Ludhiana	333, 115(2), 126(2), 324(2), 351(2), 190, 191(3) of BNS 2023

1. This order shall dispose of all the petitions as mentioned above. For the sake of brevity, facts have been taken from *CRM-M-63340-2024 titled as Raja Giri vs. State of Punjab.*

CRM-M-63340-2024 and two connected cases

2. The petitioner(s) apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In paragraph 6 of the bail petition (CRM-M-63340-2024), the accused-Raja Giri has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	156	23.09.2022	323, 324, 307 IPC	PAU, Ludhiana
2	185	02.09.2019	307, 341, 323 IPC	Haibowal, Ludhiana
3	323	21.12.2020	457, 352, 427 IPC	Haibowal, Ludhiana

In paragraph 5 of the bail petition (CRM-M-7924-2025) as well as para 11 of the reply, the accused-Sunil @ Sahota has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	98	18.06.2024	307, 160, 427, 148, 149, 506 IPC and 25/27 of Arms Act	Haibowal, Ludhiana

In paragraph 5 of the bail petition (CRM-M-875-2025), the accused-Satinder Singh @ Jojo has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	30	29.04.2022	399, 402 IPC and 25 of Arms Act	Ajitwal, Moga

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That in compliance to the above noted order of this Hon'ble Court, it is humbly submitted that on 02.11.2024 complainant namely Deepak Arora made a statement with the police levelling allegations that on 01.11.2024 at about 3:00 p.m, he was coming to his house on car No.PB-10HK-9950 and when he reached infront of his house, then two unidentified persons came from behind on a bullet motorcycle and they asked the complainant to move his car aside and when the complainant was moving his car aside from traffic jam then during this, the said persons arguing with the complainant went from there in anger and the complainant then came to his shop.

However after some time, the abovesaid motorcyclist along with 7-8 youngsters, armed with rods, daatars, swords and baseball bats, came there and they caused breakage to the Innova Car bearing registration No. PB-10HK-9950 and Swift Car bearing registration No. PB-10FG-7151 which were parked in house No.1448 of the complainant. The said

CRM-M-63340-2024 and two connected cases

persons also attacked one Neeraj with rods who had come to meet the tenant in the said house. Upon hearing this, the sister-in-law of the complainant namely Shweta came out of the house and she was attacked with swords by present petitioner Raja Giri among the other person.

4. That the present petitioner Raja Giri is master mind of the said incident and he is running a big gang and antisocial group. The entire occurrence was recorded in the cameras installed in the house of the complainant and on checking the same, it was revealed that the said persons were Raja Giri (present petitioner) alongwith other accused person 18 namely Shankar, Jo Jo, Sahota, Kannu, and five/ six other unidentified persons.”

5. The petitioners’ counsel on instructions undertakes that petitioners shall live like a decent and would not repeat the offence and if he does not petitioners have no objection if the State files application for cancellation of bail in the present FIR as well as other pending FIRs. He further 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.

6. The State’s counsel opposes bail and refers to the reply.

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

“That there are direct and specific allegations that after forming unlawful assembly, the petitioner and his co-accused trespassed into the complainant’s house and caused injuries to the above noticed Shweta and Neeraj Kumar and also caused breakage to the cars which were parked in the complainant’s house. Therefore considering the nature of allegations, the petitioner is not entitled for the concession of anticipatory bail which is an extra ordinary relief and the same is granted only in exceptional cases.”

REASONING:

8. Given the petitioners’ undertaking in the order dated 07.04.2025 as well as 12.03.2025, this Court thinks that petitioners should be given one chance to mend their ways.

9. 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-

CRM-M-63340-2024 and two connected cases
trial incarceration.

10. 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, subject to the compliance of terms and conditions mentioned in this order.

11. 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.
CONDITIONS:

12. Given above, provided the petitioners is 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 Ilaqa 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.

13. 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 attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioners' complying with the following terms. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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.

15. 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, 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. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall not enter the property, workplace, and residence of the victim

CRM-M-63340-2024 and two connected cases

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 Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

17. Given the background of allegations against the petitioners, it becomes paramount to protect the members of society, victim 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 petitioners 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 petitioners 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.

18. 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."

19. 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.

20. It is clarified that if the petitioners violates any bail condition, the State and/or the

CRM-M-63340-2024 and two connected cases

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 moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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

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

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.