



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-64116-2024
Date of Decision: 10.01.2025

Karanpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Atul Jain, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
38	15.06.2024	Dhilwan, District Kapurthala	323, 324, 148, 149, 506 IPC (Section 326 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 25 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the FIR, which reads as follows:

“Statement of Arpinderjeet Singh son of Charanjeet Singh resident of Daudpur, Police station Dhilwan, District Kapurthala aged about 24 years, mobile no. 8968349758, stated that I am resident of the above said address and I along with Rajpal Singh son of Tarsem Singh resident of Mughal Chak, Police Station Dhilwan are doing the business of selling wood after purchasing trees. On dated 08.06.2024, at about 08.30 PM, I along with Rajpal Singh were going to our village on the vehicle of Rajpal Singh, Tata Tempo after cutting wood in the fields of Village Mansurwal. When we were going to Mansurwal from Gudani then on the way, electricity wire of the Dera on the way was broken by entangling into our vehicle, which we did not notice when we reached at the Bus Stand of Butala, tire of our car got punctured and we stopped our car and started changing the tire of the car, then in the



meanwhile, Jagroop Singh son of Shital Singh resident of Mansurwal Bet and Sheetal Singh son of not known resident of Mansurwal Bet, father of Jagroop Singh came on motorcycle and started manhandling us and used abusive language, that we have broken their electricity wire. We told them that we will get it repaired but they did not agree. People who were present there make them understand and they left and we started to change the tire. After sometime, Jagroop Singh son of Sheetal Singh came there on motorcycle along with four boys armed with Kirpan and Datar, whom I can recognize if brought before me, who attacked Rajpal Singh. We tried to make them understand but the above boys attacked Rajpal Singh with their respective weapons. I came forward to save Rajpal Singh then Jagroop Singh with the intention to kill inflicted injuries on me with his Kirpan. I in order to save my head, raised my right hand, then Kirpan Blow landed on my thumb and middle finger of my right hand. In the meantime, Rajpal Singh fainted and the above assailants threw him in the fields. Considering him dead. I raised raula Maar Dita Maar Dita and people gathered there and the assailants fled the spot on their motorcycles along with the respective weapons. Someone from the public called at our house, then Sukhpal Singh son of Rajpal Singh got us admitted in Civil Hospital, Bholath but since the injuries were grievous, Doctor referred us to Civil Hospital, Jalandhar after giving first aid, where I was under treatment till today and Rajpal Singh is still admitted in Johal Hospital.”

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:

“9. That injured Rajpal Singh was medico legally examined vide MLR No. GSK/80/2024/BLT dated 08.06.2024 and as per MLR he suffered four injuries and out of said injuries injury no.1 to 3 were sharp in nature and injury no.4 was declared simple. It is further pertinent to mention here that said injuries were as follows:-

i. Injury on left shoulder inflicted by accused Simarpreet Singh with Dattar and said injury was sharp and declared grievous and attracts section 326 IPC.

ii. Injury on right wrist inflicted by accused Jagroop Singh with Kirpan



and said injury was sharp and declared grievous and attracts section 326 IPC.

iii. Injury on left wrist inflicted by accused Karanpreet Singh with Kirpan and said injury was sharp and declared grievous and attracts section 326 IPC.

Role of Petitioner and incriminating evidence against petitioner

10. That there are specific allegations against the petitioner as petitioner alongwith co-accused have inflicted injuries on the person of complainant and Jagroop Singh, moreover petitioner has inflicted injury on Jagroop Singh on his left wrist and said injury was sharp in nature and said injury was declared grievous, moreover Kirpan is yet to be recovered from petitioner. It is pertinent to mention here that petitioner was nominated in present FIR on the basis of disclosure statement of accused Shital Singh who has categorically defined the role of petitioner hence petitioner is not entitled for relief of anticipatory bail thus present petition is liable to be dismissed.

7. The injury attributed to the petitioner -Karanpreet Singh was on the wrist. Initially, the FIR was not registered under Section 326 IPC which was added later on. The injury is not on a vital part and petitioner is a first offender, as such, role assigned to the petitioner is entirely different from the role assigned to other accused. It is not a case for custodial interrogation or pre-trial incarceration.

8. 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.

9. 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.

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 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.

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

15. 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.

16. 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.

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



18. 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.

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

(ANOOP CHITKARA)
JUDGE

10.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.