

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65514-2024
Reserved on: 02.05.2025
Pronounced on: 13.05.2025

Inderjeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Kumar Gupta, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
102	26.10.2024	Ghanaur, District Patiala	109, 115(2), 118, 333, 351(2), 191(3), 190 BNS, 2023

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 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 03.03.2025 filed by the State, which reads as follows:

“3. That the brief facts of the present case/FIR No. 102 (supra) are that on 26.10.2024, an intimation was received from Civil Hospital Ghanaur that Pratham Bansal and Sahil were admitted in the hospital due to injuries suffered in a scuffle. Thereafter, MLRs of both the injured persons were obtained and as per MLR No. BKK466/26/10/24 of injured Pratham Bansal, he had received total 2 injuries, both caused by sharp edged weapon. As per MLR No. BKK465/26/10/24 of injured Sahil, he had received two injuries, both caused by sharp edged weapon. Thereafter, police party headed by ASI Baljeet Singh reached at the hospital and after obtaining fitness of the injured, recorded statement of Pratham Bansal (complainant) to the effect that he was pursuing BCA-III in Government College, Ghanaur and as per his daily routine, he had gone to his college

on 26.10.2024. Then at about 12:30 PM, when he alongwith Sahil was sitting in his class, 5/6 unknown youngsters came in the classroom and one of the youngsters namely Makhan showed him a photograph of one boy of his college. The complainant told Makhan that he did not know that person and in the meantime, Makhan and his accomplices started arguing with him as well as Sahil and went out of the classroom while giving life threats.

Then after about 5/6 minutes, Makhan and his accomplices again entered in the classroom. Makhan was armed with sword and his other accomplices armed with sticks, baseball bats and daggers and 2/3 of them were wearing heavy kadas in their arms. That Makhan Singh with the intention to kill, suddenly gave a sword blow on the head of complainant, which got hit on the upper side of his head. One unknown person gave a dagger blow upon the complainant, which got hit near his elbow. Then all the assailants gave beatings on the person of complainant with their sticks and baseball bats. When Complainant's friend Sahil tried to save him, then Makhan gave a sword blow on the middle finger of his left hand and one unknown person gave dagger blow on his right arm. When the complainant and his friend Sahil raised hues and cry, then the aforementioned assailants flew away from the spot alongwith their respective weapons while extending them life threats. Hence, the present case/FIR was registered against Makhan and 5/6 unknown persons for the offence under Sections 109, 115(2), 118, 333, 351(2), 191(3), 190 BNS, 2023.”

4. Counsel for the petitioner submits that he has no objection if this Court while granting bail imposes any stringent conditions including surrender of fire arms, if any, and shall not enter the place of residence of the victim/complainant. On instructions, counsel further submits that petitioner shall not repeat the offence and would not involve himself in the offence and if he does so, where the sentence is more than 7 years, he has no objection if the State files an application for cancellation of bail. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his 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 dated 03.03.2025, which read as follows:

“13. ROLE OF PETITIONER:- That it was the petitioner who had called the other co-accused at his college to give beatings on the person of his rival. The petitioner showed the photograph of his rival to his co-accused and told them that he was sitting on the back bench of classroom no.3.

Subsequently, the other co-accused armed with swords and daggers went in the said classroom while petitioner stood outside. They showed photograph to the boys sitting in the classroom to know about his whereabouts but the boys objected them and upon being angry at the said boys, the co-accused of petitioner attacked complainant Pratham Bansal and Sahil.

14. EVIDENCE AGAINST PETITIONER:- That the petitioner was named by accused Makhan Singh, Sukhanpal Singh and Dilpreet Singh in their disclosure statement dated 29.10.2024.”

7. It would be also appropriate to refer to the following portions of the status report dated 01.05.2025, which read as follows:

“4. That in compliance of the aforementioned order passed by this Hon'ble Court, the investigating officer sent letters to concerned nodal officers to obtain CDR of accused. The CDR of the accused Harwinder Singh has not been received so far and the mobile phone of accused Makhan Singh was switched off on 25.10.2024 and 26.10.2024 (date of occurrence). And from the perusal of CDR of accused Harshwinder Singh, it came into light that the petitioner and Harshwinder Singh never contacted each other on 25.10.2024 and 26.10.2024.

5. That however, it is worthwhile to mention herein that it was the petitioner who had called the other co-accused at his college to give beatings on the person of his rival. The petitioner showed the photograph of his rival to his co-accused and told them that he was sitting on the back bench of classroom no.3. Subsequently, the other co-accused armed with swords and daggers went in the said classroom while petitioner stood outside. They showed photograph to the boys sitting in the classroom to know about his whereabouts but the boys objected them and upon being angry at the said boys, the co-accused of petitioner attacked complainant Pratham Bansal and Sahil. Hence, there are specific allegations against the petitioner and as such, the present petition filed by the petitioner may kindly be dismissed by this Hon'ble Court.”

REASONING:

8. Perusal of para 4 of the status report dated 01.05.2025 reflects that petitioner never contacted other accused on the day of occurrence, which goes in favour of petitioner. 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, role attributed and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory 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.

11. 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)	

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

13. 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.

14. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

15. 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant/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 petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from today 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 it is 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.

17. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. 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."

18. 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.

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.

(ANOOP CHITKARA)
JUDGE

13.05.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.