

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65602-2024
Reserved on: 05.03.2025
Pronounced on: 25.03.2025

Gurjit Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CRM-M-65603-2024

Arpandeep Singh @ Arpan Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CRM-M-65604-2024

Gurinderpal Singh @ Surinderpal Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CRM-M-65606-2024

Harpreet Singh @ Chitti @ Harpreet Singh Sooch ...Petitioner

Versus

State of Punjab and another ...Respondent

CRM-M-65607-2024

Princepal Singh ...Petitioner

Versus

State of Punjab and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasjeet Singh Virk, Advocate and
Mr. Navnoor Kaur, Advocate for
Mr. N.S.Sidhu, Advocate for the petitioner(s).

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
29	04.06.2024	Phool, District Bathinda	307/ 341/ 323/ 506/ 148/ 149 IPC (Sections 201/325 IPC added later on)

1. Since all the petitions are related to one FIR, facts and question of law involved is same, thus, all the petitions are being decided together by a common judgment. For brevity, the facts are being taken from CRM-M No.65602 of 2024.

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

3. Per paragraph 26 of the bail application (CRM-M-65602-2024) and the status report dated 04.03.2025 in CRM-M-65602-2024, the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	136	30.11.2023	341/325/324/323/506/148/149 IPC	Phul, District Bathinda
2.	70	23.06.2019	323/324/34 IPC	Phul, District Bathinda

4. Per paragraph 26 of the bail application (CRM-M-65603-2024), the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	136	30.11.2023	341/325/324/323/506/148/149 IPC	Phul, District Bathinda

5. Per paragraph 26 of the bail application (CRM-M-65604-2024, CRM-M-65606-2024 and CRM-M-65607-2024), the accused has the following criminal antecedents:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	119	08.10.2023	324/323/341/148/149 IPC	Phul, District Bathinda
2.	136	30.11.2023	341/325/324/323/506/148/149 IPC	Phul, District Bathinda

6. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That on 02.06.2024, the complainant was coming from village Channa to Ghandabanna. At about 5 PM, when the complainant reached near Dana Mandi of Sandhu Khurd, 15/20 persons including accused Jagga Singh armed with rod, Balveer Singh armed with stick, Harpreet Singh @ Chitti armed with stick, Satnam Singh armed with stick, Ramandeep Singh armed with hockey stick, Mandeep Singh @ Ghulla armed with stick, Gurjit Singh (accused-petitioner) armed with angle, Princepal Singh.

Arpan Singh, Surinderpal Singh, Gurmeet Singh, Sunnypal Singh, Sukhpreet Singh came at the spot on bikes and encircled the complainant. Surinderpal Singh, The accused Arpan Singh, Singh, Gurmeet Sanipal Singh, Sukhpreet Singh and Princepal Singh raised lalkara that today he (the complainant) will not be spared alive. The accused caught the complainant from his arms and the accused Jagga Singh gave a blow of his rod on complainant's left leg, with intent to the kill him. As a result of blow, the complainant fell down on the ground. The accused Balvir Singh gave a blow of his stick on the left side of the complainant's back. The accused Harpreet Singh @ Chitti gave a blow of his stick on the right side of the complainant's back. The accused Satnam Singh gave a blow of his stick on the right side of the complainant's back. Somehow the complainant stood up, then the accused Ramandeep Singh aimed a blow of his hockey stick towards the complainant's head. The complainant tried to save himself from the said blow, therefore he turned his head towards left side and stepped backwards too. Upon which the said blow hit on the right knee of the complainant. The accused Mandeep Singh @ Ghulla gave a blow of his stick on the left hand of the complainant. The accused-petitioner gave a blow of his angle on the biceps complainant's right arm. The accused-petitioner of the and the co-accused gave the aforesaid beatings to the complainant with intent to kill him. Meanwhile, the complainant's chain and wallet containing his credit card, ATM, licence and Rs.6500/- cash and some Driving other documents fell down at the spot, which were not found afterwards. The other unknown persons also gave beatings to the complainant with intent to kill him. The complainant raised hue and cry saying "marta-marta" upon which people gathered on the spot and the accused ran away from the spot on their bikes along with their respective weapons.

5. That the complainant was admitted to the Civil Hospital Rampura. motive The behind the occurrence was that about two years ago, there was a Kabaddi match, in which the complainant had also participated and in the said game the complainant's team was lost due to wrong decision of the Referee. The accused had created nuisance at that time and the team of the complainant had protested. Due to this grudge, the accused-petitioner in connivance with the co-accused gave beatings to the complainant with intent to kill him."

7. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner submits that the matter stands compromise between the parties and petition for quashing of FIR on the basis of compromise is pending before this Court and refers to Annexures P-3 and P-4.

8. The State's counsel opposes bail and refers to the status report.

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

"10. That as per the investigation conducted so far, it has duly established that on 02.06.2024, at about 5 PM, when the complainant reached near Dana Mandi of Sandhu Khurd, the accused-petitioner in connivance with his

accomplices, encircled the complainant. The accused-petitioner, in connivance with his accomplices, gave beatings to the complainant with intent to kill him. The accused-petitioner was armed with an angle made of iron and he gave a blow of his angle on the biceps of the complainant's right arm. The case property iron Angle has been recovered from the possession of the accused-petitioner."

10. Since the matter stands compromised and petition for quashing of FIR based on compromise has already been filed, as such, no ground is made out to deny bail to the 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.

11. 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. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioners are not required in any other case, the petitioners 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 Ilqa 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 petitioner's complying with the following terms.

15. The petitioners are 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 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. 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.

17. This bail is conditional, and the foundational condition is that if the petitioners indulge 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.

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.