CRM-M-25505-2025

216 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-25505-2025
Date of decision: 08.07.2025

Randhir Singh ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldeep Singh Ahluwalia, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
224	15.12.2024	Talwandi Sabo, District Bathinda	115(2)/333 of BNS 2023 (Section 117(2) of BNS 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. Per paragraph 13 of the bail application and 11(J) of the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1	232	26.10.2023	354-D/379/427/34 IPC	Talwandi Sabo, District Bathinda
2	78	25.07.2020	15 of NDPS Act	Rori, District Sirsa
3	98	21.08.2001	25 of Arms Act	Raman, District Bathinda

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

> "*"Statement of Charanjit Kaur wife of late: Gamdur Singh son of Sarwan Singh resident of Nath age about 57 years Mo: No:98446-XXXXX stated that I am a resident of the above said address and am a housewife. My husband Gamdur Singh died about 06 years ago. I have three children. The eldest daughter Mandeep Kaur is married and the eldest son Satbir Singh who is residing in dera along with saint at Malkane village. Lives in the camp and my younger boy Jagmohan Singh lives with me in our house. We used to visit Randhir Singh alias Dhira son Jagdeep Singh*

Jyoti Sharma
2025.07.16 11:08
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> *of our village and his boy Hardeep Singh alias Jadoo used to come and sleep with us at our house of his own free will. Randhir Singh alias Dhira was very annoyed with us for that so many time squabble with us we also tried to stop hardeep Singh from visiting at house but he used to come to our house willingly. On 13-12-2024 at 6:50 PM, I was doing my housework and my son Jagmohan Singh went to take care of the animals in our cattles, then Randhir Singh alias Dhira came to our gate and raised the lalkara and opened our gate and entered into our house and started abusing me. And he was drunked and holding a gandasa in his hand and said that today I will teach you a lesson. You kept my son in your house. and he got annoyed and hit towards me with his gandasa which hit on my calf muscle of left leg with reverse side and then he gave continues 2/3 blows upon me which hit on my left thigh and leg then he again gave two blows on my head which hit on my right ear and once my left shoulder. Then he gave another blows which hit on My left hand and also gave injury on my right arm. Then I raised rolla "Martha Martha" then my son Jagmohan Singh came to the spot. He rescued me from him. Then randhirsinghran away along with his weapon from the support then my son jagmohan after arranged the vehicle got me admitted at civil Hospital Talwandi Sabo, for where I was reffered for best treatment at civil hospital bathinda. And my son for best treatment got me admitted at Sidhu hospital at Talwandi Sabo, Where I am undergoing treatment. The reason of grudge is that Randhir Singh's son namely Hardeep Singh voluntarily comes to our house and sleeps at our house because Randhir Singh after drinking alcohol started harassing him. On that Randhir Singh got angry and entered our house after drinking alcohol and injured me in the absence of my family. Appropriate legal action should be taken against him. He wrote a statement to AAP. Correct/- Charanjit Kaur above said, corroborated statement SD/- Jagmohan Singh son of Gamdur Singh resident of Natt."*

4. 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.

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:

> "*H. The role of the petitioner.*
>
> *As per record, the accused/petitioner Randhir Singh alias Dhira inflicted numerous injuries to the complainant Charanjit Kaur after entering in her house as accused/petitioner Randhir Singh alias Dhira was under aggression due to the conduct of his son namely Hardeep Singh alias Jadoo, who as per statement of complainant used to slept in her house with his own free will and consent as such the accused/petitioner Randhir Singh alias Dhira had prima facie committed the offences involved in the present case FIR."*

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2025.07.16 11:08
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7. As per medico legal report, all the injuries were declared simple in nature except injury No.9. All the offences are bailable except 333 BNS (house tress pass), as such, the petitioner is entitled to bail.

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

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. *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

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2025.07.16 11:08
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High Court, Sector 1, Chandigarh

the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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

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

16. 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."

17. 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

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2025.07.16 11:08
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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.

18. It is clarified that if the petitioner violates any bail condition, the State and/or the 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 petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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 have the 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

08.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.

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2025.07.16 11:08
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