



324 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15011-2025
Reserved on : 08.04.2025
Pronounced on: 29.04.2025

VIKRAM SINGH @ KOFFI @ COFFE AND ANR. ...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Argued by: Mr. Amarpreet S. Bathindewala, Advocate for the petitioners.

Mr. Akshay Kumar, Asst. AG, Punjab.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|--------------------------|---|
| 056 | 28.04.2024 | Civil Lines, Bathinda | 308, 341, 323, 427, 148 and 149 of IPC |

1. The petitioners incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 12 of the status report, petitioner No.1 has clean antecedents, however petitioner No.2 has the following criminal history:-

| Sr. No. | FIR No. | Date/Year | Offenses | Police Station |
|---------|---------|------------|------------------|-------------------|
| 1. | 108 | 28.11.2022 | 21-B of NDPS Act | Thermal, Bathinda |

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

"Relevant extract of FIR No. 0056 dated 28-04-24 registered at P.S. Civil Lines, Bathinda U/s 308, 341, 323, 427, 148, 149 of IPC 1860. Copy of statement of Sukhmander Singh @ Mander Singh S/o Joginder Singh R/o Street -20, Lal Singh Basti, Bathinda aged about 29 yrs Mob-91159-69256 state that i am resident of above mentioned address and i do work of sewing clothes. Today on 28-04-24 i along with my friends boarded a school van no. PB03AF-3222 from near street no-7, Lal Singh Basti for attending election rally of Harsimrat Kaur Badal at Green Palace, Bathinda and we reached Green Palace Bathinda. Madam Harsimrat Kaur Badal came on her given time and addressed people. Till afternoon Madam addressed people and then left and we all were coming back to our homes in the same van. Around 2-30 pm our van reached near gate no-3 of sports stadium Bathinda and then 8/10 young men on



motorcycles and scooters came who were having Kirpans, Rods, Baseball and iron pipes suddenly stopped our van and started breaking glass of van and then driver of van Nirmal Singh opened his door and ran away and some people entered our van and started beating us and said that you had quarrelled with our friend Pinna and you should not look towards Pinna in future and then Vikram @ Koffi S/o Joopa Singh R/o Chandsar Basti, Bathinda hit me on my head with the rod in his hand. 2nd assault was done by Yadwinder Singh @ Pinna S/o Jaskaran Singh R/o Chandsar Basti, Bathinda who hit my right elbow with baseball which was in his hand and 3rd assault was done by Vineyrrattau S/o Ram Nath R/o Chandsar Basti, Bathinda who hit me on my bicep with the kirpan which was in his hand. Others also beat me up. Out of them Lovedeep Singh @ Dodi S/o Nachhatar Singh R/o Chandsar Basti, Bathinda, Lakhvir Singh @ Kaka S/o Avtar Singh, Gurjot Singh @ Jot S/o Harbhupinder Singh R/o Mati Dass Nagar, Mani Singh @ Labha S/o Zora Singh, Abhi @ Goli S/o Tara Chand, Happy S/o Shinda Singh started beating Sameer S/o Nikka Singh R/o Udham Singh Nagar Bathinda and when other persons in the van screamed and made noise then the above persons ran away on their vehicles with their weapons."

4. Counsel for the petitioner prays for bail by imposing any stringent conditions including surrender of fire arms, if any. He further submits that in case, he repeats the offence or commit any offence, he would have no objection, if State files an application for cancellation of bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that the petitioners have been falsely implicated in the present FIR and the complainant does not identify the present petitioners in his statement.

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:

"Role of the petitioners: During the investigation, it has surfaced that both the accused-petitioners in connivance with co-accused had beaten up the complainant & injured Samir as mentioned above and they had also ransacked the glass of the case property van.

Evidence against the petitioners: As per the respective statements of the complainant Sikhmander Singh and victim Samir, the accused-petitioners had inflicted injuries upon the complainant and Samir. During course of investigation, the weapons i.e. a scratcher without handle (used by the accused-petitioner No.1) and a broken wooden baseball (used by the



accused-petitioner No.2), have been recovered, which were used by the accused-petitioners during the course of occurrence."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioners with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per the custody certificate dated 07.04.2025, the petitioners' total custody in this FIR is 11 months and 8 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioners are 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 concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. 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) | |

11. This order is subject to the petitioners' complying with the following terms.

12. 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.

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

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

15. A certified copy of this order would not be needed for furnishing bonds, and any



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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.

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

29.04.2025
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(ANOOP CHITKARA)
JUDGE

| | |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable: | Yes/No |