



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

101

**CRM-M-43057-2025 (O&M)
Date of Decision: 08.08.2025**

Gaurav Kumar @ Goru @ Gaurav and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dhawaljeet Dutta, Advocate
for the petitioners.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
12	18.02.2025	Mohkampura, District Amritsar	333, 324(4), 324(5), 305, 191(3), 190 of BNS, 2023

CRM-30944-2025

Application is allowed as prayed for.

CRM-M-43057-2025

1. 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.
2. In paragraph 14 of the bail petition, the petitioners declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

“Statement of Balwinder Kaur @ Bavy wife of Partap Singh resident of front of jatta diya marriaan, near billey wala chowk, new Rajesh Nagar, Police station Mohakampura, jorra fatak, Amritsar, aged about 50 years, mobile No.84371-22447. Stated that I am resident of abovesaid permanent addressed and doing household work. I have two children's, son namely Nishan Singh @ Sunny and my daughter In-law Kiranjeet Kaur and My one daughter namely Priya. She is still



unmarried and doing study B.B.A at Saroop Rani College Amritsar. On dated 16.02.2025 time about 10:00 Pm, I and my daughter In-Law Kiranjeet Kaur and my daughter Priya are present in our house and my husband Partap Singh and son Nishan Singh @ Sunny are not present in house. We have two portion in our house and we are sitting in the lower portion of our house then we hear the noise of vandalism in the upper portion of our house, when we are going to upper portion side then we seeing the Gurpreet Singh @ Gopy, Kamaljeet Singh @ Navi sons of Balbir Singh and Gaurav Kumar @ Golu, Munish Kumar sons of Ashwani Kumar. Whose are living in behind the street of our house and alongwith them 4/5 unknown persons are came to the lower portion of our house and starting abusing loudly with my son Nishan Singh @ Sunny, some of these Peoples handed with dattar and kirpans, and some has handed with glass bottle. We were a scared of them and we locked our house and run outside from the house. They are broken the washing machine Brand Samsung, Fridge brand L.G and Bathroom Sink in the lower portion of our house, after seeing the gathering of people of neighborhood, they fled away from the roof of our house with raised noise, then we went to upper portion of our house and saw that they are broken washing machine brand haier, LED brand Akkai, split AC brand Loid, and Bathroom gate and sink and broken the gate of wooden Almira in the house and stolen the two golden rings and two pairs of Kanta and Broken the Ac compressor on the roof of the house. The reason behind of this occurrence is that a some days before my son Nishan Singh @ Sunny was sitting on the roof of his house and Gurpreet Singh @ Gopy, who is living behind of our house and used to say that you are sitting on the roof and looking at our house side, due to this reason some time before arguments conducted between both of them in the outside of the house, due to this reason the above said accused persons, entered in our house with deadly weapons and Vandalized our household goods and broken wooden Almira inside of our house and stolen gold jewelry articles. Respected persons are trying to get compromise between us but till no compromise has been conducted. Now I was coming to inform with my husband Partap Singh that you have been found, kindly taken be legal action against the above said accused persons.”

4. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.



5. The petitioners' counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioners shall have no objection.

6. The State's counsel opposes bail on instructions.

REASONING:

7. 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.

8. 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.

9. 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 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.

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 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.

13. 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.

14. 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.

15. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide by the assurance made on the petitioners' behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, with the foundational condition being that if the petitioners repeat the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may 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 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.



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

(ANOOP CHITKARA)
JUDGE

08.08.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.