

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-59424-2024  
Reserved on: 14.02.2025  
Pronounced on: 19.02.2025

Amit Shorey

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Vishaldeep Goyal, Advocate,  
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Pankaj Bains, Advocate,  
for the complainant.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
108	22.10.2024	Division No.4, District Police Commissionerate	221, 351(3), 121, 296 of BNS, 2023 and Section 4 of the Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill/Act, 2008

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. Vide order dated 28.11.2024, the petitioner was granted interim bail, which continues to date.

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

*"2. That as per the complaint of the Medical Superintendent of Civil Hospital, Jalandhar that Dr. Yashika Sharma and Shamsher Singh, MBBS posted as interns at Civil Hospital, Jalandhar in the Emergency ward. On 19-10-2024, the petitioner Amit Shorey, under the influence of alcohol, verbally abused, misbehaved and assaulted both the intern doctors. Even after*

*multiple warnings, the petitioner intentionally and deliberately sat near the female intern doctor and made her uncomfortable, even he started clicking pictures of the female intern doctor without her consent. When both the intern doctors stopped him, but instead of getting away, petitioner Amit Shorey gave slaps to the other intern and tried to forcibly snatch their mobile phone, in which the other male intern made his video of misbehaving with the doctors. Even the petitioner Amit Shorey scuffled with the doctors and ran away from the spot by giving abuses and threats that he would come back with more goons, which jeopardised the security of medical officers working at night duty in the name of moral policing. The present FIR No. 108 Dated 22-10-2024 U/s 221/351(3)/121/296 of The Bhartiya Nyaya Sanhita and Section 4 of The Punjab Protection of Medicare Service Persons and Medicare Services Institution (Prevention of Violence and Damage to Property) Act, 2008 with PS Division No.4, Jalandhar was registered against Amit Shorey S/o Vinod Shorey resident of H.No. NL-230, Mohalla Mohindru, Jalandhar.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner his family.
5. The State's counsel opposes bail and refers to the status report. Counsel for the complainant also opposes the bail.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“3. That I.O. took the MLR No. SH/840/CHJ/2024 of intern doctor Shamsher Singh in which three injuries were mentioned, all are blunt in nature. The CCTV footage and video recordings captured by the medical officers were taken. The raid was conducted to arrest the accused Amit Shorey but he hide himself.*

*4. That as per the order of The Hon'ble High Court, the petitioner joined the investigation on 25-12-2024 but he did not get recovered his mobile phone. Moreover, Amit Shorey made a confession before I.O. that he went to Civil Hospital to cover the news that doctors were not providing medical treatment properly at midnight of 19/20-10-2024. Where he scuffled with the MBBS intern doctors Shamsher Singh and Yashika Sharma. But he did*

*not get recovered or handed over his mobile phone.”*

**REASONING:**

7. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although 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 the same for the bail stage.

8. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

**CONDITIONS:**

9. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. 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.

10. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Trial Court, which shall be at liberty to cancel this bail.**

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

12. **Petition allowed** in terms mentioned above. Interim order dated 28.11.2024 is made absolute. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)  
JUDGE**

**19.02.2025**

**Jyoti-II**

Whether speaking/reasoned: Yes  
Whether reportable: No.