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

**CRM-M-37626-2025
Date of Decision: 18.07.2025**

Jagmohan Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Simranjeet Singh, Advocate
for the petitioner

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	28.03.2025	Sadar Kurali, District SAS Nagar (Mohali)	115(2), 118(1), 351(2), 351(3), 191(3), 190 of BNS, 2023

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. In NOTE 2 of the bail petition, the petitioner declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"It is currently recorded that copy of DDR No. 14 Dt. 26.03.2025 Rojnamcha Police Station Sadar Kurali through L.Ct Kanchan Devi 1778/SAS has been received which is as follows "statement of Sajjan Singh son of Karnail Singh resident of village Ratnagar Simble police station Sadar Kurali district SAS Nagar aged about 48 years Mo: No: 70092-04916 stated that I am a resident of the said address and retired from the army. I am a Girsikh and Amritdhari since about 2016 I am doing security guard duty at PNB Bank Colony. I have a dispute with my brothers relating to the distribution of the land. It was decided that both the parties will sow the land and I will share the land with



them I planted 9 kanals of wheat and mixed fodder in 3 kanals. Jagmohan Singh had taken my 1 kanal of wheat without asking me and wanted to occupy my share and my brother Jagmohan Singh had abused me many times before. On 24.03.2025 I went to my motor where Jagmohan Singh son of Karnail Singh, Davinder Singh son of Jagmohan Singh, Manjit Kor wife of Jagmohan Singh, Jasprit Kaur wife of Davinder Singh came to my motor. Jagmohan Singh had a wooden stick in his hand who started abusing me because of the partition and started saying that he will not allow me to irrigate the fields. At this time, Jatinder Singh son of Jagmohan Singh, Taranveer Singh son of Gurmeet Singh also came. My wife Gursaran Kaur also came there. Jatinder Singh started shouting loudly that he will not leave Sajjan Singh today, it will be around 06:05 PM that Davinder Singh came to me and grabbed my neck and started punching me on my face and his wife Jaspreet Kaur lifted my turban and grabbed my hair and Jagmohan Singh and Taranveer Singh held my hand and threw me on the floor after which Taranveer Singh snatched Samsung touch phone from my hand which had 97819-xxxx and 94642-5xxxx numbers running. Jagmohan Singh forcibly took out the siri Sahib I was wearing and hit me on my feet and legs several times and beat me. Davinder Singh grabbed my siri sahib from his father Jagmohan Singh and hit me several times behind my back and I started crying "maarta maarta" then Manjit Kaur who was standing next to me said to break my bones, on which Jatinder Singh and Taranveer Singh hit my chest and legs and inflicted many injuries on my face, eyes and body. My wife tried to save me from the said persons but as she was alone she did not succeed and started shouting for help. I had fainted. Today, I came to GMCH SECTOR-32 CHD, and my wife Gursaran Kaur told me that when I fainted, the above said persons ran with my Siri Sahib and my mobile phone and their weapons. My wife along with Gurjant Singh son of Bawa Singh resident of Ratnagarh Simble took me in his car and admitted me to Civil Hospital Kurali for treatment where the Doctors had referred me to Hospital Sector-32 Chandigarh where I am undergoing treatment in the hospital. Legal action should be taken against the above said persons."

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the 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 petitioner shall have no objection.

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

REASONING:

7. Given the nature of offence, no weapon was used, this Court inclined to grant bail. 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.

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.

9. 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.

CONDITIONS:

10. 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 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.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner 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. 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 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 members of society, victim 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 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. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a



sentence of imprisonment for more than seven years, the 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.

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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

18.07.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.