

CRM-M-64619-2024
CRM-M-64623-2024

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

CRM-M-64619-2024
Reserved on: 12.03.2025
Pronounced on: 20.03.2025

Jaspal Singh ...Petitioner

Versus

State of Punjab ...Respondent

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Mankarandeep Singh @ Karanbir Singh @ Karan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S.Bhatti, Advocate
for the petitioner(s).

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
117	04.09.2023	Raja Sansi, District Amritsar	323, 324, 325, 379, 295, 506, 148, 149, 120-B IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438 CrPC, seeking anticipatory bail.

2. In paragraph 13 of the bail petition (CRM-M-64619-2024), the accused declares that he has no criminal antecedents. Per paragraph 11 of short reply filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	128	29.09.2023	379, 447, 425, 427, 506, 511, 120-B, 148 and 149 IPC and Section 25 of Arms Act	Rajasansi, Amritsar (Rural)

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3. In paragraph 11 of the bail petition (CRM-M-64623-2024), the accused declares that he has no criminal antecedents.

4. The facts and allegations are being taken from the short reply dated 05.03.2025 filed by the State in CRM-M-64623-2024, which reads as follows:

“2. That the brief and relevant facts of the case are that aforesaid FIR No. 117 dated 04.09.2023 was registered on the basis of the statement of complainant Jagjit Singh son of Satnam Singh, who had alleged therein that on 02.08.2023, he returned to his house after his work at Amritsar and Karanbir Singh made him a phone call and asked him to come in the chowk to have talk and on reaching the chowk at about 9.30 PM, Karanbir Singh alias Karan, Jasbir Singh, Jaspal Singh (petitioner) armed with datar, Sajan, Joban Singh and Manjinder Singh were already standing at the Chowk. He further alleged that when he reached near them, the co-accused Jasbir Singh raised a lalkara to catch hold him and to teach him a lesson for causing obstruction in the relation and Karanbir Singh gave him slaps and removed parna tied by on his head and caught him from his hair and put him on the ground. He further alleged that the petitioner Jaspal Singh gave datar blows on him which hit him on the right side of his head and all the other co-accused gave him kick blows when he was lying down on the ground and his mobile phone fell down on the ground. He further alleged that when he raised hue and cry for help, all the aforesaid accused fled away from the spot and the aforesaid accused also took away his mobile. He further alleged that the entire incident was done at the instance of Harpal Singh.”

5. 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.

6. The State's counsel opposes bail and refers to the short reply.

7. It would be appropriate to refer to the following portions of the short reply in CRM-M-64623-2024, which read as follows:

“Role of the petitioner

7. That as per the version of the complainant Jagjit Singh, the petitioner after forming an unlawful assembly in furtherance of their common object slapped him, removed his parna tied by him on his head and caught him from his hair and put him on the ground.

Evidence against the petitioner

8. That the evidence against the petitioner is in the form of oral statement of the complainant Jagjit Singh recorded under section 161 Cr.P.C. by the investigating officer, which is corroborated with the Medico-Legal Report of Jagjit Singh Singh.

9. That an Investigation Report/Challan under section 173 Cr.P.C has been submitted against the co-accused Harpal Singh, Lovepreet Singh, Joban Singh, Jasbir Singh and Manjinder Singh on 28.11.2023. A total of 13 prosecution witnesses have been cited in the aforesaid Investigation Report/Challan. The learned trial court has not yet framed

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the Charges against the aforesaid accused. Now the next date of hearing is fixed on 02.04.2025 for the appearance of the co-accused.'

8. The Police did not arrest the petitioners; if they intended to arrest the petitioners, it was not impossible.

9. The incident relates to 2023, as such, at this belated stage, no ground to deny bail to the petitioners is made out. 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.

10. 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.

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

CONDITIONS:

12. 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 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.

13. 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)	

14. 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

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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.

15. 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. It is clarified that if the petitioners violate 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 petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

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

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner(s) 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.

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

(ANOOP CHITKARA)
JUDGE

20.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.