



CRM-M-23870-2025 (O&M)

328 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23870-2025
Date of decision: 13.05.2025

AVTAR SINGH @ PATHI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anuj Gupta, Advocate and
Mr. Sanjiv Gupta, Advocate for the applicant/petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)**CRM-18025-2025**

Allowed as prayed for.

Main case

FIR No.	Dated	Police Station	Sections
415	10.06.2024	Sirsa City, District Sirsa	323/324/34 IPC and 326 IPC added later on

1. The petitioner 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 bail application, the petitioner declares that he has no criminal antecedents, however in the custody certificate, he has the following criminal history:-

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	126	28.02.2024	323/34/341/506 IPC	City Sirsa, Sirsa
2.	600	2023	323/324/34 IPC	City Sirsa, Sirsa
3.	608	2023	363/366-A I{C	City Sirsa, Sirsa
4.	9	04.01.2024	147/149/323/506 IPC	City Sirsa, Sirsa

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

" Statement of Chhinder Pal alias Chhindi son of Gurnam resident of

**CRM-M-23870-2025 (O&M)**

Gurnam resident of Jan Kalyan Colony near Hanuman Mandir Gali No.1 Sirsa and aged 26 years, qualification 7th Mob.No. 98136-37719.Stated that I am resident of aforesaid address and I do the work of Palledari. Yester on dated 09.06.2024 after coming from my work and aftertaking bath, for taking meal I was going to take Lassi from the shop of Jugunu and when I reached near the shop of Jugunu at about 8.30 PM then in the Gali 3-4 boys were standing in the Street, out of which I identify two boys, out of which name of one is Avtar alias Pathi son of Saudagar and name ofsecond is Jaswinder alias Jassu son of Honey resident of Guru Teg Bahadar Nagar J.J. Colony, Sirsa and both were armed with iron Datar (Kappa) and both were having some old grudge with me. That Avtar alias Pathi attacked upon me with the Datar and when for savina I raised my both hands, then Avtar alias Pathi attacked with the Datar on my right hand wrist and Jaswinder alias Jassu aforesaid attacked on my right hand writ and upon which I raised noise of Bachao-Bachao, then the nearby people hearing my voice were seeing to coming for my rescue and seeing the people coming, they fled with their arms from the spot and due to injuries I fell down on the earth. Some passerby on his motorcycle took me in Civil Hospital, Sirsa and got admitted for treatment and Doctor Sahab after giving first-aid referred me to Agroha Medical. Now I am under treatment. These boys have given me injuries without any reason. Against them legal action may be taken. I have got recorded my statement, read and is correct. RTI Chhinder Pal. Attested Jagbir Singh PP JJ Colony Sirsa Dt.10.6.24."

4. Counsel for the petitioner submits (without conceding and admitting) submits that the petitioner be given one opportunity to live like a good citizen. The petitioner counsel prays for bail by imposing any stringent conditions including surrender for fire arms, if any, and the petitioner would stay away from the property/work place, residence of the victim and he will not pressurize, induce, threaten the victim or his family members. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his 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 petitioner has been falsely implicated in the present FIR and the complainant did not identify the present petitioner in his statement.

5. The State's counsel opposes bail and on instructions submits that the weapon of



CRM-M-23870-2025 (O&M)

offence was danda.

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 12.05.2025, the petitioners' total custody in this FIR is 10 months and 08 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 for 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 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 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 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. **This bail is conditional, and the foundational condition is that if the petitioner**



CRM-M-23870-2025 (O&M)

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 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.

13.05.2025
renubala

(ANOOP CHITKARA)
JUDGE

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