

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5942-2025
Reserved on: 10.03.2025
Pronounced on: 25.03.2025

Ranjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Sharma, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
186	28.11.2024	Division B, Amritsar	126(2), 115, 118, 351(1), 351(2), 351(3), 3(5) 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 paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.

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

“3. That the deponent submits that the facts of the present case FIR No.186 dated 28.11.2024 (supra) is that on 28.11.2024, statement of the Complainant Rajinder Singh S/o Pritpal Singh was recorded by Satnam Singh ASI, P.S. B-Division, Amritsar, wherein it was alleged that on the intervening night of 22/23.11.2024, the complainant was returning to his home after paying homage at Gurudwara Baba Shaheedan Sahib and when he reached near Viridi Baker then Jago was being taken out from the street in the wake of marriage of son of the present petitioner Ranjit Singh. It is submitted that Gurwinder Singh and Happy from the crowd stopped the complainant and asked him the reason for coming there in night. In the meantime, Gurwinder Singh gave blows of his armlet on the head and left eye of the complainant. The complainant raised his right hand then the third blow of Gurwinder Singh hit on little finger of his hand. The other person namely Happy gave fist blow on the nose of the complainant and the complainant thereafter fell down. One unidentified person and the

above said persons gave kick blows to the complainant and threw him there drenched in blood. The father of the complainant came to know then the docket was taken from the police station and the complainant was admitted to Civil Hospital, Amritsar for treatment. The complainant was further referred to Guru Nanak Dev Hospital, Amritsar. The complainant also produced his MLR. Therefore, based on the statement and MLR of the complainant, the present case FIR No. 186 dated 28.11.2024, under Sections 126 (2), 115, 118, 351 (1), 351 (2), 351 (3), 3 (5) BNS, Police Station B-Division, Amritsar was registered.”

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 his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“THE ROLE OF THE PETITIONER

13. That the deponent humbly submits that the present petitioner Ranjit Singh is one of the accused persons namely Gurwinder Singh, Maninder Singh @Happy and Jagjit Singh @ Jaj, who with common intention obstructed passage of the complainant and caused him injuries. That the present petitioner Ranjit Singh had given fist blows on head of the complainant Rajinder Singh and co-accused Gurwinder Singh had given blow of his armlet (karah) on head of the complainant Rajinder Singh. The injury No. 1 caused on head of the complainant Rajinder Singh was declared grievous in nature as this injury caused fracture of occipital bone on left side extending to the base of skull of the complainant Rajinder Singh.

THE EVIDENCE AGAINST THE PETITIONER

14. That the deponent submits that the prosecution evidence against the petitioner Ranjit Singh is primarily based on the supplementary statements of the complainant Ranjit Singh which were recorded during the investigation of the present case FIR No. 186 dated 28.11.2024, wherein he had indicted the present petitioner Ranjit Singh which is supported by statement of the witness Pritpal Singh, father of the complainant Ranjit Singh which was recorded during investigation of the present case by the investigating officer.”

REASONING:

7. The petitioner being 49 years of age and as per the status report, the he has given

only fist blow on the head of the complainant, as such, the petitioner is entitled to bail.

8. 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.

9. 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 petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner 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.

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.

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. 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.

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

16. This bail is conditional, and the foundational condition is that if the petitioner 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.

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 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.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.