



CRM-M-38913-2025

-1-

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

CRM-M-38913-2025

Date of decision: 19.08.2025

RAJKARAN SINGH ALIAS RAJA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

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

Present: Mr. Gursharan Singh, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

\*\*\*\*

**ANOOP CHITKARA, J. (ORAL)**

FIR No.	Dated	Police Station	Sections
52	17.04.2025	City Patti, District Tarn Taran	140(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. Per paragraph 14 of the bail application and para 13 of the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	101	24.09.2017	307/336/452/148/149 of IPC and 25 of the Arms Act	Chohla Sahib, District Tarn Taran
2.	262	28.08.2019	25 of the Arms Act	Sadar Tarn Taran

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

*“That the true facts pertaining to the present case are that on 17.04.2025, the complainant namely Sandeep Kaur got recorded her statement before the Investigating Officer to the effect that she is working as steno at B.D.O. Office, Patti. She is having two children and her husband Mandeep Singh plies his own truck. On the above said date, she along with her husband had to visit bank due to some personal work and her husband made her phone call at about 03.31 P.M. that he was present at New Courts Complex, Patti and he will pick her near Mahindra Agency, Tarn Taran Road. She reached Mahindra Agency and started waiting for her husband. After some time, she saw her husband coming on the*



*motorcycle from the side of the Courts, but in the meantime, one Verna car and two motorcycles came from the side of Tarn Taran and the persons sitting in the car and riding the bike, started giving beatings to her husband and abduct him in the Verna Car and fled away from the spot towards Tarn Taran. Out of them, she recognized Vishal son of Gianjit Singh, Gola Singh son of Arjan Singh, Bunty resident of Tung, being known to her earlier. Later on, she came to know about the other accused persons as Rohit Masih son of George Masih, Raja, resident of Shahabpur i.e. the petitioner, Money resident of Jodhpur and Janta Balwan alongwith five/six unknown persons, in connivance with each other abducted her husband Mandeep Singh after giving him beatings. The motive of abduction was quarrel at the village between accused Bunty with their brother-in-law Chamkaur, resident of Tung and participation of her husband in the said quarrel for patching up the matter. In this regard, the present case FIR No.52 dated 17.04.2025, under section 140(3)/191(3)/190 of BNS has been registered at Police Station City Patti, District Tarn Taran against the petitioner namely Raja as well as co-accused namely Vishal, Gola Singh, Bunty, Rohit Masih, Mani, Janta Bhalwan along with 1 unknown person.”*

4. Counsel for the petitioner submits that petitioner was not named in the FIR and no specific role has been attributed to the petitioner. The petitioner's counsel prays for bail by imposing any stringent conditions. 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 bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. 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 State's counsel opposes bail and refers to the reply.

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

**“EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED.**

*10. That the petitioner has been arraigned as accused in the present case on the basis of statement got recorded by the complainant namely Sandeep Kaur at the time of registration of the present case.*

**EVIDENCE AGAINST THE PETITIONER:**

*11. That as far as evidence against the petitioner is concerned, it is submitted that the petitioner has committed the serious offence and there are direct allegations against the petitioner and the petitioner has been named in the disclosure statement suffered by the co-accused as well as in the statement got recorded by*



*the victim Mandeep Singh. As such, there is ample evidence against the petitioner.*

***ROLE OF THE PETITIONER:***

*12. That as far as role of the petitioner is concerned, it is submitted that the petitioner along with co-accused have abducted the victim Mandeep Singh and have given the beatings to him and the act committed by the petitioner is rash and negligent to endanger the life of the complainant's husband Mandeep Singh and the act has been committed at public place and in day light which shows that the petitioner as well as co-accused have no fear of any lawful authority. As such, the petitioner has committed the serious offence and he is certainly not entitled for the concession of anticipatory bail.”*

**REASONING:**

7. FIR was registered against unknown persons and the petitioner's name surfaced in the disclosure statement of co-accused.

8. 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.

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.

10. 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:**

11. 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 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.

12. 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)	

13. 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.

14. 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.

15. 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.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, 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 of the uploading of this order on the official webpage of this Court 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.

17. 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."

18. 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.

19. 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.

20. 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.

21. 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 concerned Court, which shall be at liberty to cancel this bail.

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

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused 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.

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

19.08.2025  
*renubala*

(ANOOP CHITKARA)  
JUDGE

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