



CRM-M-57910-2024

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

CRM-M-57910-2024

Date of Decision: 05.03.2025

Parkash Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashok Kumar Khunger, Advocate  
for the petitioner.

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

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ANOOP CHITKARA, J.

DDR No.	Dated	Police Station	Sections
034	31.07.2024	Khui Khera, District Fazilka	118(1), 115(2), 126(2), 3(5), 118(2) BNS

IN

FIR No.	Dated	Police Station	Sections
0062	30.07.2024	Khui Khera	333, 118(1), 115(2), 324(4), 191(3), 190 BNS

1. The petitioner apprehending arrest in the DDR 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 accused declares that he has no criminal antecedents.

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

*“3. That the present FIR was got registered as per statement of Complainant/petitioner Smt. Parkash Kaur stating that she is posted as a Government Teacher at village Ghallu. On 28.07.2024 at about 8.15 am, when she along with her mother Hardevan Bai and son Navdeep Singh was present in the house, Baldev Singh @ Ghakku son of Jaswant Singh armed with kapa, Ranvijay Singh @ Vicky son of Ranjit Sigh armed with Kasia, Krishan Singh son of Jaswant Singh armed with dang, Jaswant Singh son of Sona Singh armed with dang, Harbans Singh son of Sona Singh armed with dang, Prem*



CRM-M-57910-2024

*Singh son of Sona Singh armed with dasta, Ravinder Kaur @ Harmindo Kaur carrying a brick bat and Paramjit Kaur carrying a brick bat entered her house and Ravinder Kaur @ Harmindo Kaur raised a lalkara and they should be taught a lesson for taking their daughter-in-law. Meanwhile, accused Baldev Singh @ Ghakku gave a kapa blow and when she raised her left hand to save from that blow, kapa hit her left little finger from its sharp side, which was chopped off and fell on the earth, then accused Ranvijay Singh @ Vicky gave a kasia blow from its reverse side. hitting left side of her stomach, then Krishan Singh gave a dang blow hitting her right shoulder, Jaswant Singh gave a dang blow hitting her left shoulder, then Harbans Singh gave a dang blow hitting her right thigh, Prem Singh gave a dasta blow hitting her back, accused Ravinder Kaur @ Harmindo Kaur and accused Paramjit Kaur kept on throwing brick bats towards their house, due to which, window pans of their house were broken. She fell on the ground and all the aforesaid assailants caused her injuries. Due to fear, her son ran away by climbing the wall, while her mother, being an extremely old lady, could not come forward for her help. The assailants broke the CCTV cameras installed in their house and some of the CCTV cameras were taken over by the assailants with them. She raised alarm of mar-ditta mar-ditta and seeing gathering on the people, all the assailants along with their respective weapons took to their heels. Then she was got admitted in Civil Hospital, Fazilka by her close relative Gurbinder Singh son of Surinderpal where after providing her first aid, she was referred to GGS Medical College & Hospital, Faridkot. The complainant further stated that the motive behind the occurrence was that wife of Krishan Singh namely Gagandeep Kaur was living in 'live-in-relationship' with her son Navdeep Singh and later on, her son returned Gagandeep Kaur to Krishan Singh etc. and she (Gagandeep Kaur) is not residing with them at present, while Krishan Singh etc. were blaming them that Gagandeep Kaur is residing in their house. Due to that reason, after entering her house, all the aforesaid assailants caused her injuries. On the basis of said statement, FIR No.62 dated 30.07.2024 was initially registered under sections 333, 118 (1) 115(2), 324 (4), 191 (3), 190 of Bhartiya Nyay Sanhita at police station, Khui Khera against aforesaid Ravinder Kaur @ Harmino Kaur, Paramjit Kaur wife of Harbans Singh, Baldev Singh alias Ghakku, Ranvijay alias Vikki, Krishan Singh, Jaswant Singh, Harbans Singh and Prem Singh residents of village Ghallu District Fazilka.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further 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:

*“That the role of petitioner in commission of offence is that the petitioner was one of the assailants who attacked aforesaid Ravinder Kaur (complainant of Cross rapat) and inflicted injuries on her person while being armed with deadly weapons. Therefore, the petitioner cannot shirk her criminal liability.”*



CRM-M-57910-2024

7. Perusal of the reply does not refer to any specific weapon or injury attributed to the petitioner. She received an injury on her little finger while saving herself from kappa blow. Otherwise, petitioner is arraigned as accused in cross-version and who was the aggressor is a matter of evidence and petitioner is a woman of 53 years.

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, subject to the compliance of terms and conditions mentioned in this order.

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.

11. 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.

12. 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 (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, 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



CRM-M-57910-2024

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.

14. 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."

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. 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.

17. ***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 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.



CRM-M-57910-2024

19. 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.

20. **Petition allowed and interim order dated 21.11.2024 is made absolute** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

05.03.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.