



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

203

**CRM-M-30451-2024
Decided on : 08.04.2025**

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S. Nigha, Advocate for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	29.08.2023	Arif Ke, District Ferozepur	324, 323, 341, 427, 379, 34 IPC (Section 326 IPC added subsequently)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“xxx On the basis of the statement of Karnail Singh son of Baj Singh son of Jhanda Singh resident of Village Sultanwala, aged 65 years, Mobile 78142xxxx stated that I am resident of above address & do agriculture work. I have two sons and one daughter who are married. My elder son named Jaswinder Singh is married with Parveen Kumari and he is having two sons. My second son named Niranjn Singh is married with Parvinder Kaur daughter of Gurnam Singh resident of Kussuwala moad, who is having one girl child. My daughter in laws are real sisters. The marriage of my elder son namely Jaswinder Singh was done almost 14 years back and marriage of my younger son namely Niranjn Singh was done almost 8 years back. My both daughter in laws went to their parental home almost 1 to 2 years back because of some dispute with us and now they are staying there. My elder daughter in law is serving in our village Anganwari center who unintentionally went to see water at the boundary of village Sultanwala almost 15 days back. My son namely Jaswinder



Singh also went there and started to quarrel with each other. As a result local police called us at local police station. I was going there on my swift car number PB10FC-0576 alongwith Laddha Singh son of Mohan Singh resident of Basti Bhane Wali. In fact, I was going to pick up my few associate from village Bagha Wala. But we noticed that three vehicles are coming behind us at about 1 to 1.30 pm on dated 26.08.2023. These vehicles intercepted us and Parveen Kaur wife of Jaswinder Singh raised lalkara and said that why you came towards this side, catch them all. Then Lovepreet Singh pulled out me from the car and gave kappa blow on my left wrist. Jatinder Singh son of Gurnam Singh gave kappa blow on right side of my shoulder. Akashdeep Singh son of Gurmeet Singh resident of Kussuwala Moad also gave me kappa blow on left shoulder. Two to three unidentified persons came there. Then the Complainant raised alarm as a result, My relative namely Mukhtiar Singh son of Pooran Singh resident of Basti Gulab Singh Wala came on spot and witnessed the entire occurrence. The accused have also damaged my vehicle while going away, they stolen mobile phone make Samsung and ignition key of my car. Then my co-brother arranged a vehicle and my son in law namely Gurwinder Singh admitted me in civil Hospital Ferozepur. My treatment is going on. I have read and listen my statement and signed thereafter.”

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, not enter the property and workplace of complainant and in case, petitioner repeats the offence, the State shall be liberty to file an application for cancellation of bail. He further 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:

“7. B. The evidence against the petitioner

The complainant specifically named the present petitioner in his statement, having armed with kapa and he caused injury with kapa on complainant and the said injury was declared as grievous in nature.

C. The role of the petitioner

The petitioner was armed with kapa and gave kapa blow on the left wrist of the complainant.”



REASONING:

7. Injury attributed to the petitioner is grievous in nature but it is on left wrist, no reasons has been given by the State for custodial investigation. 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.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner’s complying with the following terms.

12. 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.

13. 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. 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.

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

08.04.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.