



CRM-M-27338-2025

130

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

CRM-M-27338-2025

Date of Decision: 19.05.2025

Mecheal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karan Bhandari, Advocate  
for the petitioner.

Ms. Navreet K. Barnala, A.A.G., Punjab.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0079	27.04.2024	Sadar, District Jalandhar	324, 323, 427, 148, 149 IPC (Section 326 IPC added later on)

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 26 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	35	25.02.2021	457, 380, 34 IPC	Rama Mandi
2.	155	03.09.2023	307, 323, 324, 427, 148, 149, 201 IPC	Sadar

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

*“Statement of Amanjot alias Buggo son of Raj Kumar resident of village Dhina police station Sadar Jalandhar aged about 26 years mobile number 9876355482. It is stated that I am a resident of the said address and i worked as a barber near PNB Bank Jalandhar near village Dhina. On 20-04-2024 time around 09:00 PM I was sitting inside my salon, Dildar Singh alias Latu son of Surinder Singh resident of village Dhina Jalandhar who was holding a khanda in his*



CRM-M-27338-2025

*hand and Suhail son of Raju resident of Dhina Jalandhar who was holding a khanda in his hand and Mecheal alias Shishi son of Pina resident of Dhina Jalandhar with Kirpan in his hand and Aryan resident of Dhina Jalandhar with kirpan in his hand and with them four or five unidentified persons who had baseball bats and daang in their hands whom I can recognize when they appear before me. All these entered into my shop. Dildar Singh alias Latu son of Surinder Singh hit me with a 'khanda' in his hand which hit the hack of my head and then Suhail hit me with 'khanda in his hand which hit my left ear and Mecheal alias Shishi attacked me with a Kirpan, then I moved my right arm, so that I could save myself, but my right arm was hit, and then Aryan hit me with a Kirpan, which hit my back. Along with them four or five people started beating me with daang in their hands, by which my left eye was also injured. All these persons beat me with khanda, kirpan, baseball bat and dang and lot of goods were also destroyed inside my shop. When I shouted of 'killed, killed', seeing the people gathering together, all these armed men ran away with their weapons and my friends Sukhman arranged a ride and took me to Civil Hospital Jamsheer Khas Jalandhar, where Dr. Sahib ji prepared my MLR/AL/37/JMK/2024 while unconscious and referred me to Civil Hospital Jalandhar after providing first aid and the conspiracy is that a few days ago Dilwar Singh aka Latu was fighting with a visitor/feriwala and my mother stopped him from fighting and he abused my mother, I had told him that you did a very bad thing when you abused my mother. Then He entered my shop with his other companions and beat me up and vandalized my shop as well. At this time I am under medical treatment. That the process of compromise of both the parties is going on, but it has not been concluded. Action should be taken. Statement heard and read. Sd/- Amanjot.”*

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. Counsel for the petitioner submits that earlier the petitioner had filed CRM-M No.58273 of 2024 which was dismissed as withdrawn because of non-mentioning of complete particulars.
5. The State's counsel opposes bail and submits that they would opt the status report filed in CRM-M No.58273 of 2024.
6. It would be appropriate to refer to the following portions of the status report filed in CRM-M No.58273 of 2024, which read as follows:

*“That Mecheal Shishi @ Gori armed with Kirpan (Sword) and gave injury on the right arm of the victim as per MLR No. AL/37/JMK/2024 dated 20-04-2024 injury No. 3 incised wound 10-12 cm long on the lateral aspect of right arm advice X-ray right arm. After the X-ray report, no bone injury was seen. Mecheal @ Shishi @ Gori was armed with the deadly weapon Kirpan in order to*



CRM-M-27338-2025

*commit a trespass pass, and a member of the unlawful assembly armed with Kirpan gave injuries to the victim and also destroyed the property of the victim.”*

REASONING:

7. FIR relates to the year 2024 and a period of more than one year has already elapsed and the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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)	



CRM-M-27338-2025

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

15. 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 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.

16. 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



CRM-M-27338-2025

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.”

17. 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.

18. 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.

19. **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.**

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

21. 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.

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

(ANOOP CHITKARA)  
JUDGE

19.05.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.