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

CRM-M-58647-2024

Date of Decision: 14.01.2025

Inderjit Singh @ Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurjant Singh Swaich, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab
assisted by ASI Harjinder Singh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0217	24.09.2024	Samrala, Police District Khanna, Punjab	379, 427 IPC

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 13 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 brief facts of the case are that the complainant Davinder Kaur moved application no.417988-PGD dated 24.08.2024 before the Senior Superintendent of Police Khanna, against (1) Ranjit Singh (alias Inderjit Singh present petitioner) son of Nirmal Singh, (2) Parkash Kaur @ Parkasho wife of Nirmal Singh, (3) Kala Singh son of Netar Singh to the effect that:

(i) That Ranjit Singh (present petitioner Inderjit Singh) is the neighbor of the complainant, and the property of Ranjit Singh is adjoining the wall of the plot purchased by the complainant. Earlier, Ranjit Singh had raised a foundation up to two feet and left the same incomplete. When the complainant constructed her house, she dug a separate foundation and



constructed her wall on the said foundation to complete the construction of her house.

(ii) That the complainant further stated that subsequently, with the intention to cause damage to the complainant's house, the abovementioned accused have removed the foundation adjoining the complainant's property and deliberately left the same vacant. As a result of this act, during rainfall, water is seeping into the complainant's house from the said plot. The removal of the said foundation has caused water to accumulate against the complainant's wall, resulting in damage to the foundation and cracks appearing in the structure of the house.

(iii) That the complainant also alleged that the wall adjoining the property of the said accused is solely owned by the complainant and forms part of her residential house. Prior to the construction of the house, the complainant had purchased the said plot and, with much effort, dug a foundation 4 feet deep. After the complainant completed the construction of her house, the said accused removed the foundation of their plot, extracted the bricks, and constructed a wall at the rear side of their property while deliberately leaving the foundation vacant. That such acts on the part of the accused have created a risk of the complainant's house of being collapsed."

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 his family.

5. The State counsel has opposed the bail on the ground that the petitioner did not join the investigation. He refers to the reply.

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

"4. That the abovementioned application was marked to the S.H.O. P.S Samrala. Thereupon, the S.H.O. P.S Samrala, after conducting a thorough inquiry into the matter through ASI Jarnail Singh, found that:

(i) That, it was found that there was a common wall between the complainant and the above-mentioned accused persons. The accused persons demolished the said wall without the consent of the complainant and removed the bricks therefrom to construct their own wall on the other side. The house of the complainant, which is adjoining the plot of said the accused persons, has been affected as the accused left a



foundation 4 feet deep incomplete. Due to the accumulation of water in the said foundation, the alignment of the complainant's 2 inch wall has started to shift, resulting in the collapse of a wall in the complainant's storage room.

(ii) That further, it has been found that the wall on the side of the plot in question belongs solely to the complainant and forms part of her residential house. Prior to the construction of the house, the complainant purchased the said plot and dug a foundation 4 feet deep. After the complainant completed the construction of her house, the accused removed the foundation of their plot, extracted the bricks, and constructed a wall at the rear side of their plot while deliberately leaving the foundation vacant, causing rainwater to accumulate in the same.

(iii) That from the recorded statements and spot inquiry, it has been found that the accused, in connivance with each other, removed bricks from the complainant's wall and used the same for their own foundation. The accused deliberately left the foundation adjacent to the complainant's wall vacant, which caused the collapse of a wall in the complainant's storage room and resulted in the misalignment of the complainant's wall.

(iv) That it was recommended in the inquiry report that Ranjit Singh alias Inderjit Singh (present Petitioner); Prakash Kaur alias Prakasho; and Kala Singh, have stolen the bricks from the complainant's wall and caused damage to the complainant's property, and thereby committed offences punishable under property, Sections 379 and 427 of the IPC.

A. ROLE OF THE PETITIONER

7. That Ranjit Singh alias Inderjit Singh (present Petitioner), in connivance with Prakash Kaur alias Prakasho and Kala Singh, removed the bricks from the wall belonging solely to the complainant and used the same for the foundation of their own plot. The petitioner with the intention to cause wrongful loss and damage to the complainant's property, deliberately left the adjoining foundation vacant, which resulted in water accumulation and caused cracks and misalignment in the complainant's house. The petitioner's deliberate act led to the collapse of a wall in the complainant's storage room, thereby damaging her residential structure."

7. Given the nature of allegations, it is not a case for custodial interrogation or pre trial incarceration. In case, the petitioner repeats any offence, it shall be permissible for the complainant as well as the State to file cancellation of bail before the trial Court or before the concerned Sessions Court which shall be at liberty to cancel the same.



Further in case, there is any need, it shall be permissible for the trial Court or the Sessions Court to impose or modify any conditions.

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.

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.

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. 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

14.01.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.