



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

202

CRM-M-12212-2025

Date of Decision: 02.04.2025

Palwinder Singh @ Pindu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
289	26.10.2024	Jandiala, Amritsar	109, 190, 191(3), 195(3) of BNS and Section 25/27 of Arms Act

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 9 of the bail petition, the accused declares that he has no criminal antecedents.

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

“2. That the brief and relevant facts of the case are that aforesaid FIR No.289 dated 26.10.2024 was registered on the basis of the statement of Gurmeet Singh son of Pritam Singh, who had alleged therein that on 25.10.2024 at about 07:20 PM, his nephew Jarmanjit Singh had gone to the shop of Dr. Balraj Singh for his mobile recharge, where Sukhwinder Kaur alias Gulshan was already present and his nephew Jarmanjit Singh alias Happy, who used to stammer, was talking to doctor and Sukhwinder Kaur alias Gulshan laughed at his nephew Happy. He further alleged when his nephew Jarmanjit Singh alias Happy went to the house of Sukhwinder Kaur alias Gulshan to complain, Harjinder Singh, husband of Sukhwinder Kaur alias Gulshan told him that his wife had called boys for her support and thereafter Jarmanjit Singh alias Happy came to his house



and disclosed the whole facts of him. He further alleged that at about 08:45 PM, there were number of persons gathered at his gate and started banging his gate and Harjinder Singh, Sukhwinder Kaur, Pargat Singh, Sajjan Singh, Mandeep Kaur, Pindu armed with pistol, both sons of Pindu, who were armed with kirpan and Raj Kaur wife of the petitioner forcibly trespassed into his house and started abusing and when he along with his father Pritam Singh, brother Satnam Singh, Lovepreet Singh and Happy came outside their rooms, the petitioner with an intention to kill his nephew Jarmanjit Singh alias Happy, fired upon him but his nephew Jarmanjit Singh alias Happy narrowly escaped and when they raised hue and cry for help, all the accused fled away from the spot with their respective weapons. The detailed facts mentioned by Gurmeet Singh in his aforesaid statement has been reproduced in the true translation of the aforesaid FIR No. 289 dated 26.10.2024 attached with the petition as Annexure P-1, which may kindly be read as a part of present paragraph as same are not repeated here for the sake of brevity.”

4. Counsel for the petitioner submits that pursuant to previous orders dated 04.03.2025 and 18.03.2025, the petitioner had joined investigation.
5. However, State counsel does not dispute the said fact but submits that weapon used in the crime was not recovered.
6. On this, counsel for the petitioner submits that the petitioner has no weapon and he on instructions undertakes that in case in future the petitioner is found to have any weapon, then the petitioner shall have no objection if the State files an application for cancellation of bail and also to file application to launch prosecution for making a false statement before this Court.
7. 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.
8. The State's counsel opposes bail and refers to the status report.
9. It would be appropriate to refer to the following portions of the status report, which read as follows:

“The evidence against the petitioner

6. That the evidence against the petitioner is in the form of oral statement of the complainant Gurmeet Singh and Jarmanjit Singh alias Happy recorded under section 161 Cr.P.C. by the investigating officer.



Role of the petitioner

7. That as per the version of the complainant Gurmeet Singh, the petitioner armed with a pistol along with the other nominated in furtherance of their common object has fired upon his nephew Jarmanjit Singh alias Happy but his nephew Jarmanjit Singh alias Happy escaped unhurt.

Requirement of Police custody

8. That the petitioner is not entitled to concession of a pre-arrest bail in view of seriousness of the allegations and gravity of the offence committed by him. His custodial interrogation is genuinely required for the fair investigation of the case, recovery of pistol used by him during the occurrence and to take the investigation to its logical conclusion to prove the prosecution case during the trial.”

REASONING:

10. Petitioner joined investigation after filing of reply, today State fails to make out case, why they needed custodial interrogation.

11. 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.

12. 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.

13. 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.

14. 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)	

15. This order is subject to the petitioner's complying with the following terms.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.



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

22. 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.

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

(ANOOP CHITKARA)
JUDGE

02.04.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.