

CRM-M-17770-2025

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17770-2025
Decided on 01.04.2025

Ram Kumar and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Namit Khurana, Advocate
for the petitioners.

Ms. Trishanjli Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	15.03.2025	Bilaspur, District Yamuna Nagar	115(2), 333, 3(5) BNS

1. The petitioners 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.

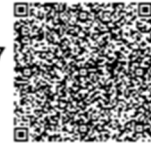
2. As per para 17 of bail petition, the petitioners have clean antecedents.

3. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

4. State opposes the bail on the basis of instructions.

5. Given the nature of offence, no reply from the State is required. Allegations are taken from the translation of FIR (Annexure P-1), which reads as under:

“Statement of Jagmal son of Shri Sawan Ram, resident village Gadwali, Police Station Bilaspur, District Yamuna Nagar age about 48 years, 9991119488. It is stated that I am a resident of the above name and address and I do farming. I have one son and two daughters.



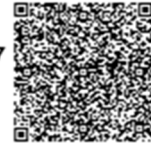
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Yesterday on 14.3.2025 at about 6.30 pm my son Jaswinder was watering his field adjoining the village, there Ashok Kumar son of Satpal, resident of Gadwali forcefully broke the water outlet from the canal in his field. When my son stopped him, he started abusing and both of them got into a fight. Hearing the noise of the fight, my wife Chheema and my daughters Ranjana Devi and Neha Rani also came to the spot from my house and stopped the fight and went to their respective homes. At about 7 pm Ashok Kumar son of Satpal, Ram Kumar son of Satpal, Satpal son of Sawan Ram and Bohti Devi wife of Satpal, opened our gate with sticks in their hands and entered our house and after coming inside attacked the entire family with sticks and injured us a lot. Then we immediately called the police by dial 112 and on hearing the noise of the fight many people from the locality came to the spot. Seeing the villagers, all the above mentioned people fled from the spot with their sticks. After that my neighbour Mohit Kumar son of Gurdayal picked us up from the spot and brought us in his car to Bilaspur Government Hospital for treatment, from where the doctor Sahab referred us to Civil Hospital Jagadhri. from where we got our treatment done and the Doctor Sahab gave us medicines and referred us to Civil Hospital, Yamunanagar Trauma Center for CT scan. It is requested that strictest action be taken against the above accused. I have got my statement recorded to you. same has been heard and is correct. Sd/- Jagmal”

REASONING:

6. Role and injuries, which are neither specific, nor serious as on date on record, no ground is made out to deny the bail to petitioners given the offence involved. 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.

7. 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.



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Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioners are not required in any other case, the petitioners 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 Illaqa 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.

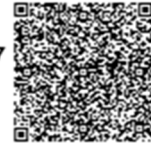
9. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

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)	

10. This order is subject to the petitioners' complying with the following terms.

11. The petitioners are 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 petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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



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facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. 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 petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. This bail is conditional, and the foundational condition is that if the petitioners indulge 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.

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

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners 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.

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

(ANOOP CHITKARA)
JUDGE

01.04.2025
sonia

Whether speaking/reasoned: Yes
Whether reportable: No.