

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14400-2025
Reserved on: 01.04.2025
Pronounced on: 21.04.2025

Lovedeep Singh @ Dodi and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aajeshwer Singh Grewal, Advocate, for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	28.04.2024	Civil Lines, Bathinda	308, 341, 323, 427, 148, 149 IPC

1. The petitioners incarcerated in the FIR captioned above had come up second time before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 12 of the status report, the petitioner No.2 has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offense	Police Station
1.	100	18.04.2023	395 IPC	Civil Lines, Bathinda

3. The facts and allegations are being taken from the translated copy of FIR annexed with bail petition as Annexure P-1, which reads as follows:

“Statement of Sukhmander Singh @ Mander Singh son of Joginder Singh, resident of St. No. 20, Lal Singh Basti, Bathinda aged about 29 years, Mob. No. 91159-xxxxx, stated that I am resident of above said address and I am a Tailor. Today on 28.04.2024, I along with my friends for joining the rally of Biba Harsimrat Kaur Badal scheduled in Green Palace, Bathinda boarded in School Van No.PB03AF-3222 standing near St. No.7, Lal Singh Basti, Bathinda and reached Green Palace, Bathinda. Biba Harsimrat Kaur Badal after reaching there at her given time addressed to the public. In the after, Biba Harsimrat Kaur Badal left after addressing the public. We after boarding in the same van were returning to our houses. At about 2:30 PM, our van reached at Gate No.3 of Sports

Stadium, Bathinda, then 8-10 young men, who were boarded on their motorcycles/scooters and were carrying Kirpans, Rods, Baseball and iron pipes suddenly surrounded our van and started demolishing the glasses of van, then Van driver Nirmal Singh after opening the window ran away outside and some people came into our van and by raising lalkaras started to beat us and were saying that you scuffled with our friend Pinna, you will not see Pinna in the future. Vikram @ Coffee son of Yudha Singh resident of Chander Basti, Bathinda hit the iron rod carried by him on my head, second attack was given by Yadwinder Singh @ Pinna son of Jaskaran Singh resident of Chander Basti, Bathinda with Baseball carried by him on my right arm. Third attack was given by Vineratu son of Ram Nath resident of Chander Basti, Bathinda with Kirpan carried by him on my bicep. Other persons also beaten me. Out of them some Lovedeep Singh @ odi son of Nachattar Singh resident of Chander Basti, Bathinda, Lakhvir Singh @ Kaka son of Avtar Singh resident of Bir Road, Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Mati Dass Nagar, Bathinda, Mani Singh @ Labha son of Jora Singh resident of Chander Basti, Bathinda, Abhi @ Goli son of Tara Chand resident of Kamla Nehru Colony, Bathinda, Happy son of Shinda Singh resident of Chander Basti, Bathinda and Sameer son of Nikka Singh resident of Udham Singh Nagar, Bathinda. When the persons available in our van raised voice of Marta Marta, then all of them along with their respective weapons ran away from the spot on their vehicles. Then my van passengers after arranging private vehicle got admitted us in Civil Hospital, Bathinda. Sameer was referred to higher Hospital as he suffered lot of injuries. My treatment is going on here. Reason behind the occurrence is that a minor fight has taken place between a person namely Pinna with some boy in the rally, due to which Pinna after calling his friends surrounded our van, caused damage to the van and also caused injuries to us. The appropriate legal action may kindly be taken against Yadwinder Singh @ Pinna son of Jaskaran Singh, Vikram Singh @ Coffee son of Yudha Singh, Vineratu son of Ram Nath, Lovedeep Singh @ Dodi son of Nachattar Singh, Mani Singh @ Labha son of Zora Singh, Happy son of Shinda Singh residents of Chander Basti, Bathinda, Lakhvir Singh @ Kaka son of Avtar Singh resident of Bir Road, Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Mati Dass Nagar, Bathinda and Abhi @Goli son of Tara Chand resident of Kamla Nehru Colony, Bathinda. Statement has been recorded to your, heard and is correct.”

4. The petitioners' counsel prays for bail by imposing any stringent conditions and

contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their 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:

“10. The role of the petitioner

During the investigation, it has surfaced that both the accused-petitioners in connivance with co-accused had beaten up the victims and they had also ransacked the glass of the case property van.

11. The evidence against the petitioner

The role of the accused-petitioners has surfaced from the statements of injured Samir and the complainant Sukhmander Singh @ Mander. Further, a handle of hoe has been recovered from the accused-petitioner No.2 qua the occurrence.”

REASONING:

7. Allegations against the petitioners are that petitioners along with their co-accused attributed injury to the victim/complainant. However, as per status report no specific injury was attributed by petitioner No. 1. Although, petitioner No. 2 armed with handle of hoe but no specific injury was attributed to him. In addition to that Complainant-Sukhmander Singh and Victim Sameer Singh have also turned hostile before the trial Court, therefore, petitioners are entitled to bail.

8. There is sufficient prima facie evidence connecting the petitioners with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per the custody certificate dated 07.04.2025, total custody of petitioners in this FIR is 11 months and 01 day. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

9. 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.

10. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned

Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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)	

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

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

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

21.04.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.