



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

201

CRM-M-7186-2025 (O&M)

Date of Decision: 29.08.2025

SURINDER PAL SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Ashok Kumar Khunger, Advocate for
the petitioner.

Mr. Hardeep Singh Wadhwa, DAG Punjab.

SHALINI SINGH NAGPAL, J. (ORAL)

Petitioners seek anticipatory bail in case arising out of FIR No. 0234 dated 28.08.2021 under Sections 354, 341, 342, 323, 148, 149 and 506 of Indian Penal Code (Section 365 IPC added later on), Police Station Sadar Fazilka, District Fazilka. This is their first petition for anticipatory bail.

As per allegations in the FIR, on 26.08.2021, at about 7.15 PM, when the prosecutrix and her brother were returning to their village from village Nawan Hasta, and reached near the house of Surinder Pal Singh son of Zora Singh, on the outskirts of village Hasta Kalan, Surinder Pal Singh, Mukhtiar Singh and Balwinder Singh stopped them. Mukhtiar Singh caught her brother Amandeep while Surinder Pal Singh proclaimed that they be caught and taught a lesson for eve teasing their daughter. All of them then dragged them inside the house of Surinder Pal Singh and locked the gate from outside. Then, Mukhtiar



Singh, Charanjeet Singh and a youth aged 17-18 years started thrashing her brother in the courtyard. Surinder Pal Singh, Balwinder Singh took her inside the room, bolted the room and took off her *Dupatta*. Sheelo Bai, mother of the accused, applied cow dung on her face. Balwinder Singh and Surinder Singh took off their shirts and stood in front of her in their undergarments. Fearing that they would violate her, she pleaded before them, but to no avail. Sheelo Bai caught her hair, while the above accused caused her injuries and extended threats to eliminate her. Both Balwinder Singh and Surinder Pal Singh kept on pulling her clothes with ill intention. Somehow, she freed herself from the accused and ran towards the courtyard, where she saw her brother injured on face, back, left shoulder, right thigh and left leg. Some neighbours collected on the spot along with Sarpanch Harmesh Singh, where after they were released. The accused also snatched their mobile phones, sims etc. They were admitted in Civil Hospital, Fazilka.

Vide orders dated 14.09.2021/29.09.2021, petitioners were ordered to be released on anticipatory bail by then learned Sessions Judge, Fazilka. It appears that subsequently, vide GDR dated 07.01.2025, offence under Section 365 IPC was added. Thereupon, petitioners again filed an application for anticipatory bail, which was dismissed by learned Sessions Judge, Fazilka on 29.01.2025.

Learned counsel for the petitioners while relying upon *Sandeep Sahni Vs. State of Punjab 2006(2) RCR (Criminal) 546*, submits that even after addition of Section 365 IPC, petitioners were entitled to anticipatory bail



as they did not misuse the concession earlier granted to them.

Learned State counsel has placed on record Status report by way of affidavit of Lovedeep Singh Gill, Deputy Superintendent of Police (HQ)-cum-Sub Division Fazilka, District Fazilka and contested the prayer for anticipatory bail.

Concededly, offence under Section 365 IPC has been added on the same set of allegations, as made when the case was first registered on 28.08.2021. Admittedly, petitioners have not misused the concession of bail earlier granted to them. Mere addition of Section 365 IPC, will not justify arrest of the petitioners.

Therefore without commenting on the merits of the case, in the event of arrest, petitioners shall be released on anticipatory bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioners shall join investigation as and when called upon to do so and shall abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

The petition is allowed.

(SHALINI SINGH NAGPAL)
JUDGE

AUGUST 29, 2025.

Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No