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

CRM-M-63208-2024

Date of decision: 14.01.2025

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakshay Bector, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
223	05.11.2024	Division No.6, District Ludhiana	333, 126(2), 115(2), 351(2), 191(3), 190 BNS, 2023

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 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“Statement by Ranjit Singh Son of Mahinder Singh Resident of House No: 1076, Street No: 10-E, Mohalla Kabir Nagar Dhaba Road Police Station Division No: 06, Ludhiana, age around 57 years Mobile Phone No: 98140-30268, stated that I am a resident of the said address and I do business of trading from the said address only. I got married to Sarabjit Kaur in the year 1990. After that I had three children. Out of which my daughter Amandeep Kaur is about 31 years old. She was married to Amritpal Singh son of Sukhdev Singh resident of Model Town Samrala Road Khanna in 2016. After the marriage, a boy was also born in their house. His name is Dilshan Singh whose age is 04 years. Sometime after the marriage, my son-in-law Amritpal Singh used to taunt and beat my daughter Amandeep Kaur because of less dowry and often demanded more dowry from her. Due to



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ongoing quarrels between my daughter and my son-in-law, we have compromised a number of times earlier. But my son-in-law did not stop beating my daughter. On 31.10.2024, I received a call from my son-in-law Amritpal Singh that due to Diwali festivities going on I did not have time, so I had given Rs.3,000/- to my wife Amandeep to buy some household items. Who had gone to the market with a girl living in the neighbourhood to buy it. When I met Amandeep in the market, she started talking nonsense to me. So, I hung up my son-in-law's phone and called my daughter Amandeep Kaur and asked her everything. Then my daughter told me that my husband had refused to go to the market with me. Then when I went to the market with a girl to buy some things, my husband was walking in the market with another girl. That is why in this regard I asked him who is this girl and then I went to my house. It was about 10:00 PM that my son-in-law Amritpal Singh came to my house along with his friends Samar, Manjit, Manjot and 4-5 unknown persons in two cars. My son-in-law has car brand Verna. They had sticks, rods and kirpans in their hands. As soon as they came inside my house, they attacked me. They attacked me on my head, body and on other parts of my body and even my wife Sarabjit Kaur who came forward to rescue me from them was also beaten up by them and while threatening to kill me these persons ran away. Due to being injured, I and my wife got our MLRS from the Civil Hospital Ludhiana and got treatment done from there. The receipt of which are present before you. Till date there are ongoing talks about a compromise with the second party. Which could not be executed. Action should be taken against Amritpal Singh, Samar, Manjit, Manjot and other 4-5 unknown friends. I have given you my statement, read it and listened to it.”

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 their family.

5. The State's counsel opposes bail and refers to the reply.

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

“4. That there are direct and specific allegations that the petitioner after forming unlawful assembly with his co-accused, trespassed the complainant's house with sticks, rods, swords and thereby caused injuries to the complainant and his wife as mentioned above. The petitioner is the prime accused in the crime. Therefore the petitioner is not entitled for the



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concession of anticipatory bail which is an extraordinary relief and the same is granted only in exceptional cases. However, as per police record, no other FIR has been registered against the petitioner.”

7. 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.

8. 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.

9. 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.

10. 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.

11. 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)	

12. 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.



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13. 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.

14. 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.

15. 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

14.01.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.