

**IN THE COURT OF P.S. KALEKA,
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR.
(UID NO.PB-0253).**

CIS No. BA-1565-2025
CNR No:PBHO010046582025
Decided on: 11.06.2025

1. Prem Kumar aged 52 years son of Sai Dass,
 2. Malkit Singh aged 35 years son of Hans Raj,
 3. Ankush Kumar aged 37 years son of Tarsem Lal,
- all residents of Mohalla Brahama Shah, Nawan Bhangala, Mukerian,
District Hoshiarpur.

....Applicants/accused

Versus

State of Punjab

....Respondent.

FIR No. 98 dated 31.5.2023
Under Sections 283 IPC and
Section 8(B) of National Highway Act
Police Station Mukerian, Hoshiarpur

**FIRST APPLICATION FOR PRE-ARREST BAIL U/S 482 OF BNS
(EARLIER U/S 438 CR.P.C.) OF THE ACCUSED/APPLICANTS FOR
SEEKING DIRECTIONS TO THE I.O./SHO, P.S. MUKERIAN,
HOSHIARPUR TO RELEASE THE APPLICANTS/ACCUSED ON
BAIL IN THE EVENT OF THEIR ARREST IN THE ABOVE NOTED
CASE.**

Present: Shri Kanwar Navdeep Singh, Advocate for bail-applicants.
Shri Rahul Dadhwal, Ld. Addl. PP for the State.

ORDER:

This order of mine shall dispose of anticipatory bail application
filed by applicants namely Prem Kumar, Malkit Singh and Ankush Kumar in

the abovesaid FIR.

2. Notice of bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance. He hadn't filed any reply to the bail application rather submitted that he will orally argue the matter.

3. A separate certificate was given by the I.O., forwarded by the Addl. PP for the State, declaring that no other bail application in the present case is pending in any other Superior Court. A similar report in this regard was made by the Ahlmad of the Court.

4. The learned counsel for applicant/accused argued that the above said case was registered on the complaint of ASI Ravinder Singh, No.803/HPR. The accused/applicants were not having any knowledge with regard to the registration of present case and moreover the police remained mum for about two years after registration of FIR and now accused/applicants have been served notice by the police of PS Mukerian Hoshiarpur for their appearance before the police in the present case. The applicants/accused were not present at the time of alleged offence and were engaged in their work. And they have been falsely implicated in the present FIR. Moreover the present case is not an injury case. The applicants/accused never accompanied with the other co-accused for committing any alleged for which they were fighting for the demand of arrest of accused in case FIR No.88 of 2023, under Section 302, 307, 341, 323, 324, 382, 427, 148, 149 IPC, P.S. Mukerian, District Hoshiarpur and blocked the National Highway for raising their demands. The applicants/accused undertakes to abide by all the terms and

conditions as imposed by the Court. The applicants/accused are ready and willing to cooperate with the police and join the investigation. Lastly prayed that the application in hand may be allowed.

5. On the other hand, the Ld. Addl. Public Prosecutor for the State, argued that the present case was registered by ASI Ravinder Singh as one FIR No.88/2023 under Section 302, 307 etc. IPC was registered at PS Mukerian and in that very case the accused were not apprehended. Some persons took undue advantage of the situation and taking the family members of the deceased in their influence gathered huge number of persons and on 19.5.2023 at about 10:00 am till noon they had blocked the National Highway Jalandhar to Pathankot, near Adda Bhangala. As a result of which inconvenience was caused to the public and public transport due to this unannounced and illegal jamming of National Highway. Those persons were identified and accused/applicant Reshu, Ramesh Sobit, Sachin @ Sabi, Chotu and Rohit Kumar and other unnamed persons were nominated as accused in the present FIR. He further argued that there is one previous FIR No.95/2025 under Section 318(4) BNS and Section 12 of PC Act, PS Mukerian, is registered against the accused/applicant. Therefore, the present accused/applicants do not deserve leniency of the Court in grant of relief of pre-arrest bail and prayed for dismissal of the application.

6. I have heard the Learned Additional Public Prosecutor for State and the Learned Counsel for bail-applicant and have gone through the police record carefully.

7. Before delving deep in the matter, it is essential to discuss the

guiding parameters laid down by the Hon'ble Apex Court for disposal of the application for pre-arrest bail as outlined in **Gurbaksh Singh Sibbia v. State of Punjab, (SC) 1980 AIR(SC) 1632, Bhadresh Bipinbhai Sheth v. State of Gujarat and Another 2015 AIR(SC) 3090 and Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents 2020 AIR (SC) 831**. The same are as under:-

- (a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (c) The possibility of the applicant to flee from justice;
- (d) The possibility of the accused's likelihood to repeat similar or other offences;
- (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;
- (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;
- (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge

and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

8. Perusal of the file shows that in the matter in hand FIR No.98 dated 31.5.2023 under Section 283 IPC and Section 8B of National Highway Act was registered against accused/applicant and others on the complaint of ASI Ravinder Singh, wherein it is submitted that in case FIR No.88 dated 16.5.2023, under Section 302, 307, 341, 323, 324, 382, 427, 148, 149 IPC, Police Station Mukerian, dead body of deceased Gaurav Anand son of Ashok Kumar, resident of Bhangala, Police Station Mukerian was kept in the mortuary of Civil Hospital Mukerian for postmortem and efforts are being made to arrest the accused named in the FIR and the villagers are cooperating the police. Some persons took the advantage of the situation and taking the family members of the deceased in their influence and a huge number of

persons were gathered and on 19.5.2023 at about 10:00 am till 2:00 pm had blocked the National Highway Jalandhar to Pathankot, near Adda Bhangala, due to which inconvenience was caused to public due to illegally blocking the National Highway. Those persons were identified as Ramesh Sobti, Malkit Singh, Rohit Singh, Schin @ Sabi, Chotu, Reshu, Prem Kumar, Anku and other unnamed persons were nominated in the present case. Finding the commission of offence, FIR was registered against them under Section 283 IPC and Section 8B of National Highway Act.

9. As evident from record, this is a no injury case. The accused/applicants alongwith other persons have blocked the National Highway for raising the demand of arrest of accused in case FIR No.88 of 2023, under Sections 302, 307, 341, 323, 324, 382, 427, 148, 149 IPC, PS Mukerian, due to which inconvenience was caused to the public at large. Nothing is to be recovered from the accused/applicants. In such an eventuality, no useful purpose would be served by detaining them behind bars. Rather, the joining of the accused/applicants would help in expediting the investigation process as the applicants/accused is ready to join investigation and to co-operate with the investigating agency. So, without commenting much upon merits and keeping in view the facts and circumstances as above, it would be in the fitness of things to admit the applicant/accused on pre-arrest bail. **As such, the applicant/accused Prem Kumar, Malkit Singh and Ankush Kumar is granted pre-arrest bail** and directed to join investigation within 10 days from today and cooperate in the investigation and on his doing so, Investigating/Arresting Officer shall admit him on bail on furnishing bail

bonds to the satisfaction of Investigating/Arresting Officer. It is made clear that in case bail-applicant failed to join the investigation within the stipulated time, then this order shall ceased to have any effect and there will be no extension of the period. The present order is subject to the following conditions as envisaged under Section 482 BNS:-

1. the accused-applicant shall make himself available for interrogation by the investigating officer/competent police officer as and when required;
2. the applicant/accused shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
3. the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.
4. the accused- applicant shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter Chapter XXXV of B.N.S.S.
5. the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
6. the accused-applicant shall not tamper with the evidence by any means;
7. the accused-applicant shall appear before the trial court on each date of hearing unless him personal appearance is exempted.

10. In case of violation of any of the conditions so imposed upon the accused-applicant, the investigating officer will be at liberty to file an appropriate application seeking cancellation of the bail granted to the applicant through the present order. Further, in case of breach of any of the conditions so imposed through the present order by the accused-applicant, the Trial Court will also be at liberty to cancel the bail order of the accused.

11. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present anticipatory bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Intimation be sent to SHO of concerned police station. Police record be returned and file of bail application be put up before learned Sessions Judge, Hoshiarpur for its entrustment on 2.7.2025.

Pronounced in open Court:
Dated: 11.06.2025

Anil, Stenographer

(P.S. Kaleka),
Additional Sessions Judge,
Hoshiarpur (UID No.PB-0253).

Present: Shri Kanwar Navdeep Singh, Advocate for bail-applicants.
Shri Rahul Dadhwal, Ld. Addl. PP for the State.

Report of Ahlmad has also received and perused. Statement of
ASI Chander Pal, No.1/HPR, PS Mukerian, is recorded in this regard.

Arguments heard. Vide separate detailed order of the even date,
the anticipatory bail application in hands stands allowed, subject to the
conditions mentioned therein. Police record be returned and file of bail
application be put up before learned Sessions Judge, Hoshiarpur for its
entrustment on 2.7.2025.

Pronounced in open Court:
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Anil, Stenographer

(P.S. Kaleka),
Additional Sessions Judge,
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