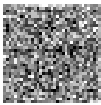


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2024:PHHC:100414



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37894-2024
DECIDED ON: 06.08.2024

DHARAMPREET SINGH ALIAS PRABHJOT SINGH
ALIAS FAUJIPETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.54, dated 26.06.2024, under Sections 379-B, 427, 294, 506, 148 and 149 IPC, registered at Police Station Sudhar, District Ludhiana Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Chanpreet Singh son of ASI Chamkaur Singh son of Mal Singh, resident of Village humman, Police Station Sudhar, District Ludhiana, aged about 22 years. Mobile No. 78143-07979. Stated that I am resident of the above mentioned address and I am 10+2 passed

and I am doing computer course at ITI, Jassowal Kular. On 22.06.2024, it would be at about 11/12 hours as when the phone call on my mobile No. 78143-07979 was received from mobile No, 70870-04694 of Prabhjot Singh alias Fauji son of Sohan Singh, resident of Hissowal, Police Station Sudhar that what you are whispering regarding me and Gurpreet Singh alias Guri (Baba) son of Mundu, resident of Mohi before people. I said to him that now neither I have speaking terms with you nor have I stated anything before anybody regarding you. Then both Prabhjot Singh alias Fauji and Gurpreet Singh alias Guri were together, who said to me that now become ready. We have to take your time. Earlier also the above mentioned persons had made threatening calls to me and had stated the fact regarding taking my time. Then it would be at about 06;30 PM as when again their phone call regarding taking my time was received, then regarding these threats, I narrated the entire episode to my father Chamkaur Singh on phone and at that time my father was on his duty at Hitech Barricade, Baddowal and my father after having telephonic talk with them had resolved the matter, then after sometime thereof, I along with my friends Lovepreet Singh alias Lovi son of Ranjeet Singh alias Jeeta, resident of Bhanohar and Simranpreet Singh Simmy son of Gurwinder Singh, resident of Hissowal was standing at the Rehri of Banana in the Canal Bridge Sudhar Market for eating bananas, then in the meanwhile 10-12 Nihang Singh, who were armed with khandas and kirpans and along with them Prabhjot Singh alias Fauji son of Sohan Singh armed with khanda, Panthpreet Singh son of Jagtar Singh armed with khanda, Manvir Singh alias Chirhi son of Kashmir Singh armed with khanda, Ravinder Singh son of Mohan Singh armed with khanda, Armaan son of Jagga (Nai/Hair

Dresser) armed with khanda, residents of Hissowal, Gurpreet Singh alias Guri (Baba) son of Mundu, resident of Mohi armed with khanda, who came on their respective motorcycles and the above mentioned Prabhjot Singh Fauji and Gurpreet Singh alias Guri raised lalkara that today they may not be go spared, they have not to be spared, teach a lesson for speaking filthy with us, then I due to their fear ran towards the passage of canal towards Village Saholi, then all of them by bringing their motorcycles behind me encircled me. In the meanwhile Prabhjot Singh alias Fauji gave blow with his khanda to me, which hit near the knee of my left leg, due to which the blood started oozing from my leg. Thereafter the above mentioned Gurpreet Singh alias Guri gave blow with his khanda to me, which hiton my back on the backside. Thereafter the above mentioned Ravinder Singh gave blow with his khanda to me, which hit on the muscle of my left arm. Prabhjot Singh alias Fauji gave a blow with his khanda to me, which hit near the wrist of my left arm. Thereafter, Gurpreet Singh alias Guri gave a blow with his khanda to me, which hit on my right thigh. Thereafter the above mentioned Manvir Singh alias Chirhi gave a blow with his khanda to me, which hit above my left knee. Thereafter the above mentioned Panthpreet Singh gave blow with his khanda to me, which hit on my left thigh. Thereafter the above mentioned Armaan Singh gave blow with his khanda to me, which hit on the lower part of my right leg. On account of sustaining multiple injuries to me, I had started suffering more problem. I in order to save me from these above mentioned persons kept on making entreaties before them, but even then the above mentioned persons and 10/12 Nihang Singh along with them and other unidentified persons whose faces were

muffled with the cloth kept on giving beatings to me and the above mentioned Prabhjot Singh alias Fauji and Gurpreet Singh alias Guri alias Baba kept on extending threats that today he is not to be left alive, after eliminating him, throw in the canal. Out of them, above mentioned Arman Singh in the end started preparing video regarding giving beatings to me and at the time of preparing video, they kept of getting forcibly conducted seeking pardon, touching feet by me and kept on humiliating me that give beatings to him by making nude and kept on hurling inaudible abuses in the names of mother sister and extending threats regarding criminal intimidation, I kept on raising raula of marta marta loudly but no person was nearby for helping me. Thereafter the above mentioned Gurpreet Singh alias Guri forcibly took out Rs. 2000/- from the pocket of lower worn by me and forcible took away the silver chain weighing about two/two and half tola worn in my neck by way of snatching and all of them kept extending threats of criminal intimidation to me and the above mentioned persons while going by damaging my motor cycle by hitting with the khanda, fled away along with their respective weapons after boarding on their respective motor cycles and while going, the youth whose mouth was muffled with cloth, behind whom another youth was sitting on the motorcycle struck motorcycle with full force in my legs, due to which I fell down, on which I narrated regarding the entire occurrence on phone to my father Chamkaur Singh, on which my father after coming at the spot, after lifting me in injured condition had got me admitted at Civil Hospital Sudhar for treatment. I also came to know that the above mentioned persons and Nihang Singh's openly after encircling my above mentioned friend Simranpreet Singh alias Simmy in the

market by putting cloth in the neck after openly roaming him in the market prepared video by giving beatings, in which attempt has been made to defame my father Chamkaur Singh and have viral this video on the social media. I have also come to know that these above mentioned persons have also given beatings to my other friend namely Lovepreet Singh alias Lovi, resident of Bhanohar and have also snatched his mobile. From Civil Hospital Sudhat, the doctor after conducting my first aid/preliminary treatment referred me to Civil Hospital Raikot, where my father rushed me to Civil Hospital Raikot in his vehicle, where the doctor had issued my MR and my above mentioned friend Simranpreet Singh had also come at the spot for treatment, regarding whom the doctor had also issued MIR' and after treatment we both were sent to the house. On account of next day being Sunday. the x-rays regarding my injuries could not take place, regarding which on Monday I had got conducted my X-ray from Civil Hospital Paikot. On account of sustaining multiple injuries on my body and on account of having more problem, I could not move. Today I along with my father Chamkaur Singh after coming present at the police station before you have got recorded my statement, which has been gone through, heard, the same is correct and by recording/inserting the video clips prepared by the other party in the pen drive have been submitting the same before you. Appropriate legal action may be taken against the above mentioned persons.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of 4 days in lodging the instant FIR as the alleged incident

took place on 22.06.2024 whereas the present FIR was registered on 26.06.2024. He further contends that as per the prosecution story, the petitioner was armed with khanda and inflicted injury on the knee of the left leg of the complainant. It has been asserted on behalf of the petitioner that father of the complainant namely Chamkaur Singh is serving as ASI in Punjab Police, posted at Baddowal, Ludhiana and he got the present petitioner falsely implicated in the present case. The real incident is that the petitioner along with one Gurpreet Singh was returning home on motorcycle at about 6:00 pm on 22.06.2024 and it was the complainant, who along with his companions had attacked the petitioner and Gurpreet Singh and inflicted injuries to Gurpreet Singh with khanda, who was medically examined at Civil Hospital, Raikot, Ludhiana and when the petitioner reported the matter to the police station Sudhar, then due to influence of father of the complainant, the instant FIR has been registered.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer ASI Zorawar Singh, opposes the prayer for grant of anticipatory bail on the ground that the petitioner along with his accomplices brutally attacked and gave injuries to the complainant while being armed with deadly weapons.

On query being put by this Court, learned State counsel submits that as per the MLR, there are eight injuries on the person of the complainant, all of which are declared to be simple in nature.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that there is an inordinate delay of 04 days in lodging the instant FIR; the injuries attributed to the petitioner are simple in nature as has been averred by learned State counsel added with the fact that no fruitful purpose would be served by sending the accused behind the bars, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation and cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make 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 or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

06.08.2024

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*