



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-39224-2024(O&M)
Date of Decision: 23.09.2024

JAGRAJ SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Tanvir S. Grewal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Parminder Singh Sekhon, Advocate
for the complainant/respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR
mentioned below:-

FIR No.	Dated	Police Station	Sections
30	18.04.2024	P.S. Longowal, District Sangrur, Punjab	325 and 295-A of IPC (Section 295- A added lateron)

2. Vide order dated 13.08.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order
dated 13.08.2024 is reproduced as under:-



“The instant petition has been filed by the petitioner seeking prearrest bail in case arising out of FIR No. 30 dated 18.04.2024 initially registered under Section 325 of IPC, 1860 at Police Station Longowal, District Sangrur, Punjab with offence under Section 295-A having added later on, on the basis of statement recorded by the complainant Bant Singh alleging therein that the present petitioner and his brother Gurlal Singh were residing in his neighbourhood. There was dispute between these two brothers qua their residential property. On 17.04.2024, the respectables of the village including the complainant and relatives of the petitioner and his brother had intervened in the matter and tried to resolve the dispute but to no avail. On 18.04.2024, the complainant had gone to the farm house of his neighbourer Billa Singh. While he was sitting there on a chair, the petitioner reached there. On seeing the complainant, the petitioner started hurling abuses and while proclaiming that the complainant had not allowed the matter between them to be resolved, he opened an attack upon him by throwing a brick thereby hurting his nose. He also pulled his beard and threatened that he would kill the complainant. In the meanwhile, Gurlal Singh and Balwinder Singh Sekhon reached there who rescued the complainant from the clutches of the petitioner and got him admitted in the hospital. After registration of FIR, investigation proceedings have been initiated and are under way. The offence under Section 295A of IPC has been added during the course of investigation. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Sangrur which was dismissed vide order dated 02.08.2024.



It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the complainant who is a good friend of the brother of the petitioner. There is dispute between his brother and himself as the former wants to get the property of their mother transferred in his name by exerting pressure on his mother. The complainant has been supporting the brother of the petitioner. On the fateful day, the petitioner had requested the complainant to not to interfere in his family matter and at this, it was the complainant who had struck a blow on his head with a stick and started extending beatings to him. One of the finger of the petitioner had got fractured. The ingredients for commission of offence under Section 325 of IPC are not attracted. Subject offences are triable by Magistrate. Offence under Section 325 of IPC is bailable. No case for commission of offence under Section 295A of IPC is made out against him. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that he may be extended benefit of bail. Notice of motion.

On asking of the Court, Mr. A.S. Samra, AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file reply/status report.

Adjourned to 23.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week and as and when required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C..”



3. Learned State counsel filed status report dated 22.09.2024. The same is taken on record. He further, on instructions from the investigating officer states that the petitioner has joined the investigation on 22.08.2024. Though learned counsel for respondent no.2/complainant who has filed Memorandum of Appearance today on his behalf has resisted the prayer of the petitioner by submitting that there are serious allegations against the petitioner. However, in view of submission submitted by learned State counsel that his custodial interrogation is not required, in my opinion no useful purpose would be served by detaining the petitioner in custody. In view of the above discussed facts but without commenting on the merits of the case, the present petition is allowed and the order dated 13.08.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short ‘BNSS’), 2023.

23.09.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |