



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-39848-2024

Date of decision: August 14th, 2024

Ritish Tiwari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in case FIR No.136 dated 18.07.2024 under Sections 115(2), 118(1), 126(2), 194(2), 351(3), 191(3), 190, 109 of Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the petitioner has submitted that the petitioner, who is just a 15 year old boy has been falsely implicated in the present case; no offence as alleged, has been committed by him.

3. In the alternative, learned counsel for the petitioner submits that the petitioner is ready and willing to appear and surrender before the Juvenile Justice Board (hereinafter referred to as 'JJB') and therefore, he be protected till then; directions be also given to the learned JJB that his bail application, which he would be filing on surrender, be decided expeditiously.

4. Notice of motion.

5. On asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

6. Ms. Kanwal S. Walia, Advocate, has entered appearance on behalf of the complainant and filed memorandum of appearance, which is taken on record.

7. *Per contra*, learned State counsel assisted by learned counsel for the complainant, have drawn the attention of this Court to the allegations in the FIR in question and submitted that not only is the petitioner named therein but a perusal of the allegations in the FIR clearly reveal that the petitioner was armed with a knife with which he inflicted an injury on the abdomen of the injured-complainant, which was then declared to be dangerous to life. It has also been submitted that there was documentary evidence in the shape of a video, wherein not only was the petitioner clearly visible but he could be seen inflicting injury on the person of the complainant.

8. Learned counsel for the complainant has also submitted that in fact, it is the petitioner's father, who too had been lending tacit support to the petitioner and in case the petitioner was enlarged on bail, there is every likelihood that he could misuse the said concession.

9. I have heard learned counsel for the parties and perused the relevant material on record including the FIR, which stands reproduced hereinunder:-

“Station House Officer Sahib Police Station Sultanpur Lodhi Jai Hind. Today I ASI along with Head Constable Mandeep Singh 630/Kapu., Tarsem Singh 1175/Kapu., PHG Manjit Singh 28440 was present at police station that mobile phone but a video on Basel media near Amanpreet Hospital Talwandi Road Sultanpur Lodhi Date 16-7-2024 and has come to know about the viral video regarding causing injuries to Abhiraj Singh son of Gursharan Singh resident of Sujokalia

Police Station Talwandi Chaudharian by Gurpreet Sahota son of Tajinder Singh resident of Mand Alluwal police station Kabirpur District Kapurthala. In this regard, after investigation by me ASI, and obtaining secret information found that on 16-7-2024 at about 03-00 PM, Nitish Tiwari son of Neeraj Tiwari, Neeraj Tiwari resident of Sian Chowk Chelia Sultanpur Lodhi, Sukhmant resident of Jabbowal, Gagan Singh alias Mithu and Daman Joson and Arsh along with other 10- 15 unknown youths armed with deadly weapons armed are causing injuries to Abhiraj Singh Son of Gursharan Singh resident of Sujokalia police station Talwandi Chaudhary and Gurpreet Sahota son of Tajinder Singh resident of Mand Alluwal PS Kabirpur District Kapurthala near Amanpreet Hospital Talwandi Road Sultanpur Lodhi. Due to which an atmosphere of great fear and apprehension has been created among the common the citizens, therefore, an offence under Sections 115(2), 118(1), 126(2), 194(2), 351(3), 191(3), 190 of BNS is made out on which a case has been registered and handed over to the Head Munshi Police Station. The case should be reported to the control room by a wireless message. A special report should be issued and sent to the service of senior officers. I ASI along with co-police officials is going for investigation at the spot. Sd/- Harjinder Singh ASI Police Station Sultanpur Lodhi Dated 18-7-2024, today at Police Station Sultanpur Lodhi at 12-02 am Police Station. Today at Police Station :- The aforesaid documents has been received in the Police Station, the FIR has been registered under the aforesaid Sections and original copy of FIR is being through PHG Surinder Lal 28620 at the spot. A wireless message is being sent to the control room. Special reports are prepared and are being sent through Head Constable Manjinder Singh 303/Kapu to the service of District Magistrate Sahib and senior officers. The entry is being recorded vide rapat dated 18.07.2024.”

10. This Court does not deem it fit to extend the concession of anticipatory bail to the petitioner in view of the specific role attributed to him in the occurrence in question, however, in view of the alternate prayer made by learned counsel for the petitioner, the petition is disposed of with direction to the petitioner to appear and surrender

before the learned JJB concerned on or before 20.08.2024. Till then, no coercive steps shall be taken against the petitioner.

11. It is made clear that in case, the petitioner fails to surrender before the learned JJB within the stipulated period, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the learned JJB shall make earnest efforts to decide it expeditiously, in accordance with law.

August 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No