



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40559-2024

Date of Decision: August 22, 2024

HARPREET SINGH @ HAPPY

.....Petitioner(s)

V/S

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jaspreet Kaur, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

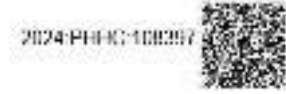
The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.23 dated 06.03.2024, under Sections 323, 324, 458, 506, 34 IPC, 1860 registered at Police Station Sadar Kapurthala.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'Statement of Shri Paramjit Singh son of Piara Singh resident of Kadhal Nau Abad police station Sadar Kapurthala district Kapurthala age about 32 years mobile no. 8283030032 stated that, I live at above said address. On 05.03.2024 my friend Sarabjit Singh alias Sahbi son of Baldev Singh resident of Talwandi Pai Police Station Kotwali



Kapurthala District Kapurthala called me that I am coming to meet you then it will be around 10:15 PM that Sarabjit Singh was knocked the gate of my house and when I started to open the gate, I saw that there were three other youths with Sarabjit Singh, one of them was Mani son of Swaran Singh resident of Talwandi, Kotwali, Kapurthala, who had a Kirpan Loha in his hand, and one is Harpreet Singh alias Happy son of Malkit Singh @ Kala Resident of Mitha Police Station Kotwali Kapurthala who had Datar in his hand and another young man whom I could recognize when he came in front of me who also had Datar in his hand, the motorcycle was parked in front of my house and Sarabjit Singh had Sword (Khanda) in his hand. I was scared, I tried to close the but pushed my gate and forcibly entered my house and started beating me with their weapon. First Sarabjit Singh alias Sahabi hit me with his Sword (Khanda) which hit me on the left side of my head and then Happy resident of Mitha hit me with his Datar which hit me on the right side of my head then I put my hands above my head to defend myself. Sarabjit Singh hit the reverse side of his Sword (Khanda) which hit my figure of my left hand. then Harpreet Singh @ Happy hit the reverse side of his datar which hit the upper side of my left hand then Mani hit me with the kirpan which hit me on my left leg, below the knee, then Mani hit his Kirpan which hit my left arm above the wrist. The unknown young man hit me twice with the reverse side of his datar which hit my left arm and on left side of my chest I fell on the ground then they all of them went from there with there respective weapons while abusing me. The reason behind is that Sarabjit Singh @ Sahbi was my classmate and asked me to borrow money. But I refused to give him the money and he got drunk and brought his other friends along with him to kill me. Then I called my uncle's son Charanjit Singh and told him about everything then he took me to Civil Hospital Kapurthala where I am admitted and treated. Action should be taken against the accused. sd/- Parmjit Singh. Attested. Sd/- Pooran



*Chand ASI PP Bhulana, police station, Sadar Kapurthala,
District Kapurthala Dated 06.03.2024'*

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Petitioner along with the co-accused have already compromised the matter and complainant also does not want to pursue this case.

On behalf of the State

Learned State Counsel appearing on advance notice is not in a position to controvert the above-stated arguments of learned counsel for the petitioner to oppose the prayer for grant of anticipatory bail.

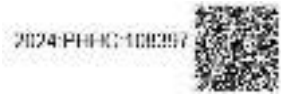
4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety

bonds to the satisfaction of Arresting/Investigating Officer. The petitioner



shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (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 480, 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.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

22.08.2024
Sangeeta

Whether reasoned/speaking: *Yes/No*
Whether reportable: *Yes/No*