



107

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-40611-2024

Date of Decision: August 22, 2024

GURDEEP SINGH

.....Petitioner(s)

V/S

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anil Kumar Garg, 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, 2023/438 Cr.P.C., has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.64 dated 28.03.2021, under Sections 307, 323, 324, 148, 149 IPC, 1860 registered at Police Station Khanna City-2, District Khanna in which police has filed challan under Sections 307, 324, 326, 323, 506, 148, 149 IPC.

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

'Statement of Anil Kumar Sharma son of Dhanpat Rai, resident of Jagat Colony, Street No., 3, Ward No. 4, Lalheri Road, Khanna, Mob. 84370-00401. Stated that I am resident of above said address and is working at Municipal Council,



Khanna. I have three sons namely Nikhil Sharma, Chirag Sharma and Hitesh Sharma. My younger son namely Nikhil Sharma sits in the parking at Guru Amar Dass Market, Khanna. Rajan Bawa used to threat my younger son Nikhil Sharma with different methods. Due to this, one FIR has already been registered against Rajan Bawa. Today, as per daily routine, my son Nikhil Sharma was sitting in the parking of Guru Amar Dass Market, Khanna, then Rajan Bawa along with Monu, both sons of Kashmir Giri, Sanju, Ramma both sons of Billu Khokhe Wala, residents of village Majri, P.S. Sadar Khanna, District Ludhiana, Sunny son of Loon, Shehzad (grandson of Bibi Fatima) both residents of Peerkhana Road, Khanna, Gora, Billa both residents of village Rasulra, P.S. Sadar Khanna, District Ludhiana and 3-4 unknown persons having iron sickles in their hands, iron rods, sword and wooden sticks came and attacked with intention to kill my son Nikhil Sharma and hit him with iron sickles, iron rod and sword on his head, arms and legs, while my son fell down on ground, all of them beaten up my son mercilessly. When the people gathered at the spot tried to escape him, the above persons ran away from the spot by throwing away their weapons at the spot. I immediately brought to my son at Civil Hospital, Khanna from where he was referred to Rajindera Hospital, Patiala. I recorded my statement to you. Legal action be taken against above said person for attacking my son with a motive to kill him. Statement is recorded, listened and admitted as correct. Sd/- Anil Kumar Sharma Verified by Harry Sharma Attested by Akash Dutt, SI SHO, P.S. City-2 Khanna dated 28.03.2021. Police Action-I SI SHO along with ASI Sarjangdeep Singh 401/Khanna, ASI Sukhdev Singh 759/Khanna, HC Amarjit Singh 674/Khanna, PHG Karanvir Singh 17253 in government vehicle Sumo No. PB-23-H-3444 being driven by HC Amarjit Singh 674/Khanna was on



patrolling present at Main Road Khanna- Ludhiana near Lalheri Chowk, then Anil Kumar Sharma reached and recorded his statement and after recording his statement, the same was read over and explained to him and he signed the same after admitting the same to be correct and his signature was verified by his son Hitesh Sharma and I SI attested the same. From the statement, offence U/Ss 307, 323, 324, 148, 149 IPC has attracted and the statement was send through PHG Karanvir Singh 17253 at Police Station to register the case against Rajan Bawa, Monu sons of Kashmir Giri residents of Khattikan Chowk, Khanna, Sanju, Ramma sons of Billa Khokhe wala, residents of village Majri, P.S. Sadar Khanna, Sunny alias Loon, Shehzad (grandson of Bibi Fatima), residents of Peerkhana Road, Khanna, Gora, Billu residents of village Rasutra, P.S. Sadar Khanna and 3-4 unknown persons. Case should be register on the statement and information be given. Information should be given to DCR. Special reports should be issued. I SI along with my colleagues, am going to the spot. Sd/- Akash Dutt SI SHO P.S. City-2 Khanna dated 28.03.2021 within limits of Lalheri Chowk, Khanna. At 7.45 PM. On receiving the statement today, above said case under above said offences has been registered against above said accused. Original statement along with copy of FIR is being sent through above said PHG for the investigating officer at the spot. Special reports through PHG Gurmukh Singh 17926 are being sent to Illaqa Magistrate and senior officers. Information to DCR Khanna is given'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner

has been falsely implicated in this case. In fact, the petitioner is the victim of



of the conspiracy at the behest of the complainant and even as per the FIR, no incriminating material has been coming forth to connect the petitioner with the alleged offence.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Parmod Kumar, opposes the prayer for grant of anticipatory bail on the grounds that the allegations against the petitioner are serious in nature and the custodial interrogation of the petitioner is required, therefore, prays for dismissal of the instant petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, added with the fact that injury attributed to the petitioner is gandas blow on the left leg of injured Nikhil Sharma which is neither fatal nor dangerous to life since Section 307 IPC is not attracted, hence, 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 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.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

22.08.2024
Sangeeta

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