

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-41231-2024
DATE OF DECISION: 27.08.2024

SATDEEP SINGH ALIAS SAURAV ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dhiraj Jindal, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.

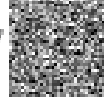
SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

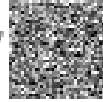
This petition under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed to grant anticipatory bail to the petitioner in FIR No. 5 dated 16.01.2024 under sections 308/325/341/323/506/148/149 of Indian Penal Code 1860, registered at P.S. City-1 Sangrur, District Sangrur (Annexure P-1).

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

‘Copy of Statement of Parminder Singh son of Bhupinder Singh resident of Ghumiyar Basti Sangrur aged about 55 years Phone no. 98156-56098. Stated that "I am resident of above address and I am Pensioner in Punjab Police Department and on 13.01.2024, I along with my family and Paternal uncle 'chacha' Jasmel Singh son of Inder Singh, Kapur Singh son of Ram Sarup and Ajay Kumar son of Krishan Kumar residents of Ghumiyar Basti Sangrur were celebrating Lohri by starting a



bon-fire opposite our house in the street and in the meantime one vehicle No. PB-11-CS-9931 Mark Mahindra Bolero Camper which was being driven by Makhan Singh son of Puran Singh resident of Ghumiyar Basti Sangrur drove his vehicle over our entire bon-fire and we fled from the spot upon being scared. That Gurmel Singh son of Mahinder Singh, Prajesh Kumar son of Lal Singh residents of Ghumiyar Basti Sangrur were shouting and hurling abuses while sitting in the said vehicle and thereafter they left from there. At about 10:25 PM, they came in same vehicle at back side of my house and these three persons were accompanied by Krishan Kumar son of Inderjit Singh resident of Ghumiyar Basti Sangrur along with Sourav son of Satpal resident of Street No. 05 Preet Nagar Sangrur and Sunny son of Unknown, Bugla son of Unknown residents of Sunder Basti Sangrur along with 2 other unknown persons who were holding sword, iron rod, 'daga sotiyar', brick mortar 'itta rore'. Gurmel Singh said that today we will not leave Parminder Singh alias Pinky and others and we will teach lesson to him. Upon seeing swords, brick mortar in their hands, we attempted to save ourselves by fleeing from there but they surrounded us and then Makhan Singh hit me with his sword 2 times at my head with intentions to kill me and I raised my right arm and saved myself. My paternal uncle 'chacha' Jasmel Singh was standing in the porch and Parjesh Kumar hit him with 'kirch' 2 times at his head and then Jasmel Singh fell in the street. While Jasmel Singh was lying, then Parjesh Kumar hit 1 blow at his right elbow and 1 blow at his right hand and my neighbour Kapur Singh was hit by Sourav Singh with the brick at back of his head and he attempted to save himself by raising his right hand at back of his head and the blow of brick got hit at his right hand and Krishan Kumar hit with iron rod at left thigh and we shouted for help and upon hearing our noises, Bikramjit Singh son of Jatinder Singh, Prabhjot Singh son of Harpal Singh, Ajay Kumar son of Krishan Kumar residents of Ghumiyar Basti Sangrur and other



neighbours arrived on the spot and upon seeing people gathering there, the above attackers fled from there in their vehicle along with their weapons while giving life threats. Thereafter, me, my paternal uncle 'chacha' Jasmel Singh and Kapur Singh were got admitted in Civil Hospital Sangrur by Bikramjit Singh, Prabhjot Singh and Ajay Kumar after arranging vehicle and we are under treatment here. Today, statement submitted before you and the contents are correct. Action may be taken against above persons. Sd/- Parminder Singh Confirmation of Statement Sd/- Jasmel Singh Verified by Kulwinder Singh ASI 783 Police Station City 1 Sangrur dated 16.01.2024.'

3. Contentions

On behalf of the petitioner

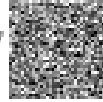
Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and the main injuries are attributed to the co-accused who are on bail and the petitioner has been attributed only simple injuries. He submits that nothing is to be recovered from the petitioner, therefore, prays for grant of anticipatory bail to the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Jagtar Singh opposes the prayer for grant of anticipatory bail on the ground that the allegations against the petitioner are serious in nature and he does not deserve the concession of anticipatory bail, apart from this is not in a position to controvert the submissions made by counsel for the petitioner.

4. Analysis

Be that as it may, after given a thoughtful consideration to



the submissions made by counsel for the parties that the main injuries are attributed to the co-accused namely Gurmail Singh, Makhan Singh and Gurpreet Singh who have been granted concession of anticipatory bail and co-accused Krishan Kumar who have been granted concession of regular bail and the petitioner has been attributed only simple injuries which fact is not controverted by State, 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.

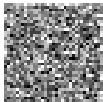
5. **Decision**

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 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

27.08.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>