

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M No.42292 of 2024
Date of decision: 01.10.2024

MOHINDER PAL

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Anil Kumar Spehia, Advocate for the petitioner.

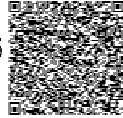
Mr. Amandeep Singh, D.A.G., Punjab.

MANISHA BATRA, J. (oral)

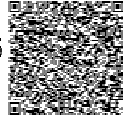
1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory
bail to the petitioner in case arising out of GD No.20 dated 28.05.2024
registered under Sections 323, 324, 148 and 149 of IPC (Section 326 of IPC
added later on) in FIR No.130 dated 28.05.2024 registered under Sections 452,
323, 324, 148 and 149 of IPC at Police Station Kotwali, Kapurthala, District
Kapurthala.

2. Vide order dated 30.08.2024, passed by this Court, the petitioner
was granted interim bail and was directed to join investigation. Order dated
23.08.2024, passed by this Court, reads as under:

*“The petitioner is seeking benefit of pre arrest bail in case
arising out of GD No.20 dated 28.05.2024 registered under
Sections 323, 324, 148 and 149 of IPC (Section 326 of IPC added
later on) in FIR No.130 dated 28.05.2024 registered under
Sections 452, 323, 324, 148 and 149 of IPC at Police Station*



Kotwali, Kapurthala, District Kapurthala on the basis of statement recorded by Deepak son of the present petitioner making allegations that on the same night at about 1 AM, his brother Kamal came to his house and told him that Vishal and Gagandeep had extended beatings to him. At about 3:30 AM, Bittu, Gagandeep Singh, Kala, Danny and Shera all residents of village Bahui along with 20-25 unknown persons entered inside his house and opened an attack upon him and his family members due to which, they had sustained injuries. FIR was registered on the basis of statement recorded by the son of the present petitioner. On the same night Vishal son of Gurdev, who was member of opposite party, got recorded GD No.20 making allegations that in fact on the night of 28.05.2024, he went to the house of Kamal son of the present petitioner and asked him as to why he had come to his house along with some youths. He alleged that at about 1-1:30 AM, when he came out of the street, the present petitioner along with his sons, wife and some other persons had opened and attacked upon him thereby, causing injuries to him. On the basis of his statement, this cross case was registered by recording DDR entry. Investigation proceedings have been initiated in both the cases and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 13.08.2024.



It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. In fact, the FIR lodged by his son had already been registered at the time when opposite party got recorded GD No.20 against him and his family members. This rapar is the counter blast of the FIR recorded by his son. In fact, no injuries had been caused upon the persons by the complainant of the DDR and the injury that has been attributed to him upon the persons of the complainant is simple in nature. No recovery is to be effected from him. He is ready to join investigation. His custodial interrogation is not required.

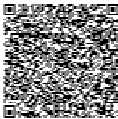
Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 01.10.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently 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. Status report dated 30.09.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the



Investigating Officer, has submitted that the petitioner has joined investigation on 12.09.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 30.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

01.10.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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