



CRM-M-42472-2024

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

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Date of decision: 30th September, 2024

Raj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 285 dated 31.12.2023 registered under Sections 452, 324, 323, 427, 506, 148 and 149 of IPC, 1860 (Section 326 of IPC subsequently added) at Police Station Guruharsahai, District Ferozepur.

2. As per the prosecution case, the aforementioned FIR was lodged on the basis of statement recorded by the complainant Kaushalya Devi alleging therein that she owned 20 acres of land out of which 5 kanals, 14 marlas of land was situated at Village New Rana Panj Garain which was also in her cultivating possession and over which she had sown wheat crop.

The petitioner who is her brother, resides in her neighbourhood and wanted



to take possession of land situated at village New Rana Panj Grain. A civil litigation is pending in this regard and a stay order was passed by the Civil Court on 26.11.2023. She alleged that on the same day at about 3:30/4:00 PM, when she was present in her home with her son Harjinder Singh, the petitioner alongwith his family members and some other persons criminally trespassed into her house while being armed with weapons. The petitioner and co-accused Chiman Singh gave a *lalkara* to teach a lesson to the complainant for not vacating the possession of land. Then, they opened an assault upon her and caused injuries with respective weapons held by them. She raised alarm, on hearing which, her son Harjinder and some neighbours reached there and rescued her from clutches of the assailants. The assailants left while causing damage to the window panes of her house and extending threats of life to her. She was rushed to the hospital and was remained under treatment. After registration of FIR, investigation proceedings were initiated. On 31.12.2023 itself, the petitioner also recorded a statement before the police, making allegations against the complainant and her sons and further alleging that they along with some unknown persons had caused injuries to them on 26.12.2023. On the basis of his statement, a General Diary entry was made at Sr. No. 34 on 31.12.2023. Investigation is underway. Petitioner had moved an application for grant of regular bail before the Additional Sessions Judge, Amritsar which was dismissed vide order dated 07.08.2024

3. The present petition filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this



case. Infact, it is a case of version and cross-version. A DDR has been registered against the complainant and her sons and some other persons on the complaint of the petitioner. The petitioner and complainant are real brother and sister respectively. There is delay of five days in reporting the matter to the police. No specific injury has been attributed to the petitioner. A civil suit is already pending between the parties with regard to the land mentioned in the FIR but the said dispute has been given the colour of a criminal case by lodging of FIR. The custodial interrogation of the petitioner is not required. He is in custody since 02.07.2024. Investigation is likely to take time as nine accused are yet to be arrested. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, it is submitted therein and learned State counsel assisted by learned counsel for the complainant who has filed his Memo of Appearance today, has vehemently argued that there are serious and specific allegations against the petitioner who by forming membership of an unlawful assembly and being part of that assembly, had criminally trespassed into the house of the complainant and voluntarily caused injuries to her by blunt and sharp edged weapons, damaged the window panes of the house of the complainant and had criminally intimidated her. It is submitted there are chances of petitioner's intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned



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State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have assaulted the complainant. The petitioner is in custody since 02.07.2024. There is no allegation in the FIR that he had caused any injury to the victim-complainant. He is alleged to have given a *lalkara*. The subject offences are triable by Magistrate. The investigation and trial are likely to take time. No useful purpose would be served by keeping him in custody anymore. There is no basis for the contention that the petitioner will intimidate witnesses, if extended benefit of bail. As per the discussion so made but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th September, 2024

Parveen Sharma

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