



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42883-2024

Date of Decision: September 02, 2024

MANPREET SINGH @ PAWAN @ MANDEEPPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, 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.41 dated 29.04.2024 under Sections 379-B, 323, 34 IPC, registered at Police Station Bhogpur, District Jalandhar.

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

'Statement of Baldev Singh son of Kehar Singh r/o Bhatnura Lubana, P.S. Bhogpur, District Jalandhar, aged about 60 years, stated I am resident of above said address and I am retired as ASI from Wireless Department. On dated 18/19.04.2024 Mid Night I in order to sell my crop at Mandi



Bhatta Bajaja and I was coming back from Bhatta Bajaja to my village Bhatnura Lubana on my Motor Cycle PB-08-EW-4377, Mark Hero Honda XE-110, Coloured Black, that when I reached near KK Pizza the time was about 01:00 AM then suddenly three un-known person came from the fields from the right side of the road, two out of them had muffled faces and one cropped hair boy who had long hairs came towards me while running, they were armed with dattar and Kirpans who had stopped me and started beating me. They inflicted me injuries on left hand and other parts of my body with Kirpan, while they were giving me beatings I ran towards my village on the road after leaving the Motor Cycle there. They followed me for some distance but after some time they returned back and went away after taking my Motor Cycle fell on the road. I reached my house while walking and took first aid then I called on 112 help line number. Then my brother Gurcharan Singh arranged the vehicle to got me admitted in Hospital at Jalandhar then I got discharged by doctor and I came back to my house. I was taking medicine and I was searching the accused person on my own which I could not find. To day I have given you the statement. I can recognized the un-known persons if they appear before me. Action may kindly be taken against un-know persons.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that he is well known to the complainant and had the petitioner been involved in the alleged occurrence on 18/19.04.2024 as asserted in the instant FIR, the petitioner would have been named by the complainant at the first instance itself. It is pleaded on behalf of the petitioner that he has been named



subsequently on 28.06.2024 as per the statement made by the complainant much later to the registration of instant FIR. It is further pleaded that there is an inordinate delay of 10 days in lodging of the instant FIR on 29.04.2024 against the alleged occurrence of the offence at the night of 18/19.04.2024.

On behalf of the State

Learned State Counsel appearing on advance notice, upon instructions from the Investigating Officer is not in a position to controvert the above stated pleading of learned counsel for the petitioner and also could not oppose the prayer for the grant of anticipatory bail.

4. **Analysis**

Be that as it may, after giving a thoughtful consideration to the submissions made by counsel for both the parties, and there is inordinate delay of 10 days in lodging the instant FIR and the petitioner has been named subsequently on 28.06.2024 i.e. after more than 02 months of alleged occurrence which raises doubt hence, this Court finds no reason to deny the concession of anticipatory bail to the petitioner, 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 hereby directed to be released on anticipatory bail subject to him joining the investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon 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 stand cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

02.09.2024
Sangeeta

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