



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43961-2024

Date of Decision: September 06, 2024

PRINCE ALIAS BILLA ALIAS BHUPINDER SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Dassaur, 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.130 dated 04.08.2024 under Sections 109/118(2)/118(1)/115(2)190 of BNS, 2023 registered at Police Station City Nawanshahr, District SBS Nagar.

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

'Statement by Ashwani Kumar S/O Kulwinder Singh, resident of Rakkara Bet, Police Station Balachaur, District ShaheedBhagat Singh Nagar, age around 20 years, mobile number 7347232766, stated that I am a resident of the



aforementioned address. I am studying in the 3rd semester, 2nd year of BSC.IT at RK Arya College, Rahon Road, Nawanshahr., Rajveer Singh S/O Narinder Singh, resident of Mohalla Paharganj, Rahon, also studies B.A. in our college and is known to me. Prabhjot Singh S/O Jagtar Singh, resident of village Mahindpur Uldhani, Police Station Balachaur, District SBS Nagar, came to our college about two months ago for admission and became acquainted with me. On 02-08-2024, around 11:00 AM, I was at my college where I met Rajveer and Prabhjot. At that time, Arun Singh Gill, resident of village Hansaro, tease Prabhjot and said 'Calm down', to which Prabhjot responded by slapping Arun Singh Gill. Subsequently, other boys came to support Arun Singh. While Arun remained inside the college, I, along with Prabhjot Singh and Rajveer, reached the gate near the college ground, where Kabir Singh S/O Amrika Singh, resident of village Hansaro, Police Station Sadar Nawanshahr, who also studies in our college, was present along with Manveer Singh S/O Ranjit Singh, resident of near Telephone Exchange, Apra, Police Station Phillaur, District Jalandhar, presently residing at village Begampur, Police Station City Nawanshahr, District SBS Nagar, and Prince alias Billa S/O Makhan Ram, resident of village Kahlon, Police Station Rahon, District SBS Nagar. There were two other persons whom I do not know, but I can identify if they come before me. A scuffle ensued between Prabhjot Singh and the aforementioned Kabir Singh and Kabir Singh took out a sharp iron dagger from his pocket and attacked Prabhjot Singh, saying that Prabhjot was acting too arrogant and should be killed today. Kabir's accomplices, Manveer Singh and Prince alias Billa, also attacked Prabhjot. Manveer Singh struck Prabhjot with his kara (iron bangle), and Prince assaulted Prabhjot with his Dasti Vanja. When Rajveer Singh and I tried to rescue Prabhjot, Kabir's accomplices also attacked kabir Singh with punches and kicks.



When we tried to stop the fight, Kabir struck me on the head with the sharp iron dagger he was holding. He struck me on the back of my head. Then, one of Kabir's accomplices also hit Rajveer. The three of us were severely injured and began shouting for help. When more students started gathering, Kabir Singh, Manveer Singh, Prince alias Billa, and their two accomplices fled the scene with their weapons. Prabhjot Singh sustained severe injuries. After some time, someone called an ambulance, and we were taken to the Civil Hospital, Nawanshahr. Due to Prabhjot Singh's serious injuries, he was transferred from the Civil Hospital to Raja Hospital, Nawanshahr, and then admitted to CMC Hospital, Ludhiana, where he is currently in the ICU. Rajveer Singh and I were discharged from the Civil Hospital and returned home. The aforementioned individuals Kabir Singh, Manveer Singh, Prince alias Billa, and their accomplices attacked us with the intention of killing us and with the intent to create a disturbance in the college. Legal action should be taken against them. SD/ Ashwani Kumar 7347232766, SD/- Kulwinder Singh On 02- 08-2024, ASI along with other duty officers was present at Police Station City Nawanshahr when MHC Ajay Kumar 985/SBS Nagar informed us that Ashwani Kumar S/O Kulwinder Singh, resident of Rakkara Bet, Police Station Balachaur, District Shaheed Bhagat Singh Nagar, Rajveer Singh S/O Narinder Singh, resident of Mohalla Paharganj, Rahon, and Prabhjot Singh S/O Jagtar Singh, resident of village Mahindpur Uldhani, Police Station Balachaur, District SBS Nagar, were admitted to the Civil Hospital Nawanshahr due to injuries from a fight. After receiving the information, ASI and the team went to the Civil Hospital Nawanshahr, where the duty doctor stated that Prabhjot Singh required referral to a higher center and that Ashwani Kumar and Rajveer Singh were unfit to give statements. The doctor further mentioned that the



computerized MLRS (Medico-Legal Reports) for the individuals would be prepared later. Additionally, the duty doctor provided a medical report for an unknown individual, Kabir Singh S/O Amrik Singh, resident of village Hansaro, Police Station Sadar Nawanshahr, District SBS Nagar, presented by the ASI, indicating that Kabir Singh was also unfit to give a statement. Later, the MHC at the police station informed the ASI that Prabhjot Singh S/O Jagtar Singh, resident of village Mahindpur Uldhani, Police Station Balachaur, District SBS Nagar, had been admitted to Raja Hospital, Nawanshahr, for treatment. The ASI and his team visited Raja Hospital, Nawanshahr, where the duty doctor stated that Prabhjot Singh had been referred to a higher center. The doctor handed over Prabhjot Singh's medical slip, which detailed six sharp weapon injuries. Subsequently, the ASI returned to the police station and registered a report in the daily diary. On 03-08-2024, the ASI was present at the police station when the MHC informed him that Prabhjot Singh S/O Jagtar Singh, resident of village Mahindpur Uldhani, Police Station Balachaur, District SBS Nagar, had been admitted to CMC Hospital, Ludhiana, for treatment. The ASI, along with HC Ravi Kumar 446/SBSN, S/CT Pradeep Kumar 754/SBSN, and PHG Sandeep Kumar 27905, went to CMC Hospital, Ludhiana, where they obtained Prabhjot Singh's medical slip, which indicated that he was in a serious condition. The doctor also stated that Prabhjot Singh was unfit to give a statement. Later, the ASI and the team visited the Civil Hospital, Nawanshahr, where the duty doctor mentioned that Ashwani Kumar and Rajveer Singh were listed as LAMA (Left Against Medical Advice), and Kabir Singh was discharged from the hospital. Kabir Singh's MLR number 208/TL/DH/NSR/2024 mentioned three injuries, two of which were blunt, and one was caused by a sharp weapon. ASI presented Ashwani Kumar's MLR No. SSK/111/2024 and



Rajveer Singh's MLR No. SSK/112/2024 to the doctor. The handwritten MLRs indicated that Ashwani Kumar had one injury on the back of his head caused by a sharp weapon, and Rajveer Singh had one injury on his forehead caused by a blunt weapon. Later, ASI established contact with Rajveer Singh via telephone, who stated that he would record his statement the next day. The ASI, along with other officials, then visited Ashwani Kumar's home in village Rakkara Bet, Police Station Sadar Balachaur, to obtain his statement. In the presence of his father, Kulwinder Singh, Ashwani Kumar recorded his statement, which was read back and explained to him. He acknowledged the statement as correct and signed it in English, with his father confirming it. The ASI verified the statement Based on the statements of Ashwani Kumar, Rajveer Singh, Prabhjot Singh, and their MLRs, it was concluded that offenses under sections 109, 118(2), 118(1), 115(2), and 190 BNS are applicable against Kabir Singh (son of Amrik Singh, resident of Hansro, Police Station Sadar Nawanshahr, District Shaheed Bhagat Singh Nagar), Manveer Singh (son of Ranjit Singh, resident of near Telephone Exchange, Apra, Police Station Phillaur, District Jalandhar, currently residing in Begampur, Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar) Prince alias Billa (son of Makhan Ram, resident of Kahlon, Police Station Rahon, District Shaheed Bhagat Singh Nagar), and two unidentified individuals. The ASI instructed PHG Sandeep Kumar 27905 to file a case at Police Station City Nawanshahr under the relevant sections. The case should be registered, and the case number communicated. Special reports should be prepared and sent to the area Magistrate and Senior officials. DCR should be notified, and the ASI and team are engaged on-site at the village of Rakkara Bet at 11:01 PM dt 3- 8-24. The case was registered under the relevant sections, and the original documents were handed over to PHG Sandeep Kumar



27905/SBS Nagar, who was directed to deliver them to ASI Om Prakash 131/SBSN at the site for investigation. Special reports were prepared and sent by hand through S/CT Mukesh Kumar No. 919/SBS Nagar to the area Magistrate and Senior officials. Control room notification was also provided.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that there is no specific injury attributed to the present petitioner and it is only coming forth in version of FIR of the complainant also, that the present petitioner was armed with a stick whereas the six injuries caused on the person of the complainant are all attributed to one Kabir who is the co-accused of the present petitioner.

It is a positive case, put forth on behalf of the petitioner that he only was trying to stop others from hurting the complainant but was mistakenly named as an accused in the present case. Learned counsel for the petitioner further refers to the compromise dated 21.08.2024 (Annexure P-5) which has been entered into between the present petitioner and the complainants namely Ashwani Kumar s/o Kulwinder Singh, Prabhjot Singh s/o Jagtar Singh and Rajveer Singh s/o Narinder Singh.

On behalf of the State

Learned State Counsel appearing on advance notice, upon instructions from ASI Lekh Raj is not in a position to controvert the fact that the injuries attributed on the person of the complainant side are qua the co-accused Kabir Singh and no specific role has been attributed to the present



petitioner, except him being armed with a stick. Learned counsel fairly submits that at this stage his custodial interrogation is not necessary or required.

4. **Analysis**

In the light of aforesaid facts and discussion, especially wherein the State counsel submits that no specific injury has been attributed qua the petitioner being only armed with a stick and the factum of compromise as has been entered into between both the parties; added to the fact that his custodial interrogation is not required by the investigating agency at this stage, this petition deserves to be accepted.

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 his joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days 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

06.09.2024
Sangeeta

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