

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

104

CRM-M-43684-2024

DATE OF DECISION: 05.09.2024

SAMIT @ SUMIT

...PETITIONER

Versus

STATE OF PUNJAB AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner(s).  
Mr. Jaspal Singh Guru, AAG, Punjab.  
Ms. Anu Bala Garg, Advocate  
for respondents No. 2 and 3.

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SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.124 dated 24.04.2024, under Sections 307, 379-B, 323, 341, 506, 148, 149 IPC, 1860 registered at Police Station Dera Bassi, District SAS Nagar, Punjab.

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

*‘Copy of statement, Statement of Karamvir son of Harpal, resident of H. No. 2136, Sector 52, Chandigarh, aged about 32 years, mobile No. 9888554423, I would like to state that I am resident of above noted address and I am running rental vehicle bearing registration No. CH01-TB-2945 make TATA ace for the work of catering. Yesterday on 23.04.2024, I along with my worker Pawan Kumar son of Ram Sumej, resident of H. No.*



2543, Small Flats Maloya, UT Chandigarh was going on my said vehicle from Chandigarh to Lalru and when we reached at the bridge on bus stand Derabassi then a car bearing registration No. HR22-P-1983 make Swift and Car bearing registration No. HR70-F-7119 make 120 colour white came from backside, in which 2-3 persons were riding and they were chasing me and were trying to stop me, due to which at around 9.20 PM, I stopped my car at Jugraj Dhabha, village Devinagar, Ambala road then the said cars stopped behind my car and persons came out from their cars who were armed with Danda and other sharp edge weapon, they encircled us and started giving blows of their Dandas to both of us and they snatched key of car from me and also taken out the amount of Rs. 2500-3000/- from my pocket, we raised noise "Marta Marta" then they thrown us on the ground and one boy has given blow of Danda on my head, due to which bleeding started from my head and they also given many blows of Danda on the body of my worker Pawan and when I tried to oppose them, then one person said that Sumit, Sagar kill them and take his vehicle, then said Sumit, Sagar and their associates had given many blows of Dandas to us with the aim to kill us, I became unconscious, then on looking the gathering of public, the said riders of car ran away along with the key of my TATA Ace in their respective cars by threatening me. You are requested that legal action be taken against above said Sumit, Sagar and their 3-4 unknown associates. I and my worker are admitted for treatment in Civil Hospital Derabassi. Statement got recorded, heard, same is correct. Sd/- Karamvir Singh, supported by Sd/- Pawan, attested by Sd/- Kewal Kumar, ASI, Police Station Derabassi dated 24.04.2024. Police proceedings: Today myself ASI along with HC Mukesh Kumar were present in the Police Station then on 24.04.2024, A Ruqa received from the Civil Hospital Derabassi and MHC of Police Station has informed that Karamvir Singh resident of Chandigarh is admitted in hospital, you be reached for taking necessary action in this regard. Therefore myself ASI



*along with HC Mukesh Kumar reached at Civil Hospital Derabassi and submitted a written application to the doctor to record the statement of injured Karamvir, whereupon the doctor has declared injured Karamvir to be Fit for statement, then injured Karamvir Singh met us there and he got recorded his above said statement. After recording statement, same is read over to him, who, after hearing his statement and admitting the same to be correct, appended his signature in English on the bottom of statement and I have attested the same. As per the contents of statement, offence under section 307,379-B, 323,341,506,148,149 of IPC made out. Therefore, the statement is being sent to the Police Station by the hand of PHG Gurmail Singh for registration of case under section 307,379-B, 323,341,506,148,149 of IPC against above said Sumit and Sagar and 4-5 unknown persons riding in car bearing registration No.HR22-P-1983 and car bearing registration No.HR70-F-7119 make 120 colour white. After register case, number of the same be intimated. Control room be intimated through wireless. Myself ASI along with associate officials is busy for investigation, within the area of Civil Hospital Derabassi at 12.50 AM.'*

### **3. Contentions**

#### **On behalf of the petitioner**

Learned counsel for the petitioner has submits that six injuries which have been referred in the Medico Legal Report and even if the version of the instant FIR is considered to be correct, offence under Section 307 is not made out, in as much as according to the Medico Legal Report (Annexure P-4) and as per the opinion of the doctor (Annexure P-5) dated 22.04.2024, the injuries were though earlier kept in observations but now have been declared simple in nature after examination of the X-Ray.

**On behalf of the State**

Learned State Counsel appearing on advance notice on instructions from ASI Kewal Kumar opposes the prayer for grant of anticipatory bail, however, is not in a position to dispute the facts mentioned by counsel for the petitioner rather, he fairly asserts that all six injuries were given with danda (wooden stick) and declared to be simple in nature.

**On behalf of the complainant**

Learned counsel for the complainant submits that parties have entered into compromise and in this regard, the affidavit of complainant has been placed on record as Annexure P-1 and therefore, she has no objection if the present petition is allowed and the petitioner is granted the concession of anticipatory bail.

**4. Analysis**

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, particularly to the effect that the parties have entered into compromise, 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 within the stipulated time period.

**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 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 stand cancelled.

The petition in the aforesaid terms stand allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**05.09.2024**  
*anuradha*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*