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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-44069-2024

Date of Decision: September 06, 2024

BHUPINDER SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Sharma, Advocate and  
Mr. B.D. Sharma, Advocate  
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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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.46 dated 22.07.2024 under Sections 115(2), 118(1), 118(2) BNS, 2023, registered at Police Station Jhander, District Amritsar Rural.

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

*'Statement of Jaskaran Singh son of Davinder Singh  
resident of Terra Kalan PS Jhander, District Amritsar at  
present resident of House No. 121-A, Street No. 3, Green City*



*Ajnala Road Amritsar, aged 42 years, M. 82888-32690, stated that I am a resident of above address and works as a property dealer. I own land in village Terra Kalan. I had given my share of land on lease to Manjit Singh son of Tarsem Singh resident of Terra Kalan. My brother Bhupinder Singh used to prevent me from giving land on lease. I had given my share of land on lease to Manjit Singh and said Manjit Singh started ploughing the land. Then my brother Bhupinder Singh stopped the said Manjit Singh from ploughing the land. Then Manjit Singh told me about the whole thing on telephone on which I alongwith my mother Gurmit Kaur reached my land on 30/06/2024 at about 02:00pm, then my brother Bhupinder Singh son of Davinder Singh reached the land armed with dattar and did not accept anything and raised lalkara to teach me a lesson for giving the land on lease and in the mean time, Bhupinder Singh above gave a blow with his dattar on me and in order to save myself, I raised my right hand and the blow hit me on ring finger of my right hand and he gave second blow on my head and in order to save myself I raised my left hand and the blow hit me on the little finger of my left hand. My mother Gurmit Kaur came forward to save me and he pushed her also. Then I raised alarm Maar Ditta Maar Ditta and Bhupinder Singh ran away from the spot with sharp weapon. Then Manjit Singh son of Tarsem Singh r/o Terra Kalan arranged the conveyance and got me admitted in Govt. Hospital Ramdass and Ramdass hospital treated me on the same day and referred me to Shri Guru Nanak Dev Ji Hospital. I with my free will got admission in Hartej Hospital Amritsar. After discharge, on 04/07/2024 from Hartej Hospital Amritsar, I returned to my house and the respectable persons have been trying to settle the matter between both the parties which could not materialize. I alongwith Manjit Singh son of Tarsem Singh have come to the police station for giving the information that you have met and I have submitted MLR*



*No. 179/RJ/PHC/Ramdass June/2024 to you. Legal action be taken against Bhupinder Singh son of Davinder Singh resident of Terra Kalan PS Jhander District Amritsar. I am responsible. Statement has been read over and accepted.'*

### 3. Contentions

#### On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of 22 days in lodging the instant FIR and asserts that it is a concocted story as an after thought to the instant FIR and in fact the petitioner had suffered an electric shock in July, 2022 and got burnt and the petitioner suffered electric burn injury over left forearm with wrist and finger and left thigh region. The petitioner is not fully able to walk freely on his own legs due to electric shock. It is also submitted that as per the opinion of the doctor dated 03.08.2024 the petitioner needs further reconstructive surgery. The medical record of the petitioner dated 14.09.2022 and the certificate of the hospital dated 03.08.2024 is attached herewith. In the light of aforesaid injuries, the petitioner is not even able to walk properly on his legs and therefore, question of causing injuries as has been alleged in the instant FIR is absolutely false.

#### On behalf of the State

Learned State Counsel appearing on advance notice, submits that petitioner has given a datar blow on the ring finger of the right hand and thereafter gave a second blow on the head of the complainant and in order to



save himself the complainant raised his left hand and got hit on the little finger of his left hand.

He upon instructions from ASI Tejpal Singh would contest the dismissal of the instant petition vehemently contending that the petitioner has given datar blows causing grievous hurt on both the fingers whereby fractures have been detected. .

**On behalf of the complainant**

Mr. Nitin Narula, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney in Court, which is taken on record. He adds to the submissions made on behalf of the State pointing out that the petitioner and the complainant both are real brothers and alleges the motive of the petitioner to give injuries to the complainant is that the complainant had leased out the share of land to one Manjeet Singh and on that account the petitioner was unhappy.

4. **Analysis**

Be that as it may, considering the aforesaid assertions, the probability of false implication of the present petitioner cannot be ruled out and the present case being a concocted story as there is a delay of 22 days in lodging the instant FIR which still remains unexplained.

This Court is sanguine of the fact that the dispute is between the real brothers and some enmity might have occurred between them due to certain differences of opinion on the issue of land being given by the complainant to one Manjeet Singh on lease, but the Court also cannot be lose sight of the fact that both are real brothers and the petitioner has already



suffered an electric shock for which he require reconstructive surgery as has been reflected in the medical certificate dated 03.08.2024 (Annexure P-3) corroborating the version raised by the petitioner.

Be that as it may, the circumstances and the version as narrated in the instant FIR, this Court having considered on the fact that both are real brothers and both the injuries have luckily taken place on the fingers only and may be fractured which is yet to be established, this petition deserves to be accepted at least to consider the grant of anticipatory bail.

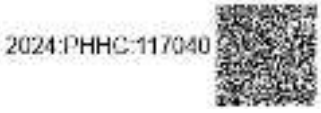
5. **Decision**

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 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**

**06.09.2024**  
*Sangeeta*

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