



102

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

CRM-M-44897-2024

Date of Decision: September 10, 2024**SAJAN****....Petitioner(s)****VERSUS****STATE OF PUNJAB****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ashutosh Gupta, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Amit Sharma (Kanav), Advocate
for the complainant.

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 present petitioner in FIR No.121 dated 04.08.2024 under Sections 118(1), 324(2), 190 and 191(2) and (Section 118(2) added later on) of Bhartiya Nagrik Suraksha Sanhita, 2023, registered at Police Station PS Malout, District Shri Muktsar Sahib.

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

'I, residing at the aforementioned address, have a shop near Super Bazaar, near Janeja Hospital. I run a business



selling garments and ready-made clothes at my shop Galhotra Garments. Today, around 10 AM, I was sitting in my shop when outside my shop, Rajkumar, Harish Kumar (sons of Madan Lal), Akshay (son of unknown) Sajan, son of unknown, Prem Kumar, Gora (son of Prem Kumar), Kiran Bala (wife of Ashwani Kumar), residents of Malout, and some two other unidentified persons gathered outside my shop. They were holding swords and daggers. As soon as they arrived, they attacked my shop and broke glass door of my shop. I went outside to stop them, and when I confronted them, Rajkumar had a dagger in his hand, which he struck at me, hitting side of my left hand's palm. Prem Kumar struck me with an axe he was holding, hitting my right hand's thumb. Prem Kumar's son Gora hit my head with a sharp object. Rajkumar's nephew Sajan hit my nose with a stick. I raised an alarm, and other unidentified persons also started beating me. I ran into my shop to save myself, and seeing the gathering of people nearby, they closed the shutter of my shop and fled. A boy named Sonnu, who works at my shop, arranged for a vehicle and admitted me to the Civil Hospital, Malout, for treatment. They also beat one named Surinder Kumar, son of Harkrishan, resident of Village Malout, who also works at my shop and was trying to save me hitting on wrists of his right and left hands, causing injuries that required treatment. These people attacked me because they hold grudges against me for my work. The statement was written and read out to me, and I confirmed it as correct. Sd/- Dheeraj Kumar the above-named Complainant, Surinder Kumar son of Harkrishan Singh, Village Malout, Verified By ASI Jarnail Singh, PS City Mallot Dt. 04.08.2024. Police Action: Today, the police, along with ASI and Constable Ranjit Singh 1182/PHG Prabhu Nandan 1246 SCT/L, and Rajinder Kaur 688/ visited the Civil Hospital, Malout. The doctor issued MLR No MLT/AC/2024/111 DT 04.08.2024 for Dheeraj Kumar, son of



Satpal Galhotra, son of Lajpat Rai, resident of Gobind Nagar, near Water Works Office, Ward No. 03, Malout. The case was handed over to ASI for further investigation. The ASI presented a written request to the doctor to obtain the injured Dheeraj's statement, and the doctor confirmed that the injured was fit to give a statement. The ASI, along with his team, reached Dheeraj Kumar's bed, where he was conversing with his relatives. The ASI recorded Dheeraj Kumar's statement, which was read out and explained to him, and he signed it in English. Surinder Kumar, son of Harkrishan Singh, Village Malout, also signed the statement in English, verifying it. The ASI verified the statement. The doctor's MLR noted four injuries: 01,02 with sharp weapons and two 03,04 with blunt weapons. Injuries 01, 02, 03 were kept under observation through X- rays, and further action will be taken based on the X-ray report. For now, the statement and MLR show that offenses under Sections 118(1), 324(2), 190, 191(2) BNS have been committed. Based on this, a case is being registered against Rajkumar, Harish Kumar, sons of Madan Lal, Akshay, son of unknown Sajjan, son of unknown Prem Kumar, Biba, son of Prem Kumar, Kiranbala, wife of Ashwani Kumar, residents of Malout, and other unidentified persons. Ruqa is being sent to the police station through PHG Prernandan 12146 (by hand) to register the case After registering the FIR, the same shall be informed to us. The In-charge of PCR-SMS is also being notified. The ASI, along with his team, is on the spot for further investigation. Sd/- Jarnail Singh ASI P.S Malout Dt. 04.08.2024 Civil Hospital Malout Time: 08:45 PM. At Police Station: We received the ruqa at PS and after receiving the same a case is being registered against the aforementioned accused under aforementioned sections under CCTNS Project and Duplicate Copy along with original ruqa by hand PHG is being sent to ASI PCR/SMS is being informed W/M.'



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He contends that the CCTV footage captured of the alleged incident does not even show the presence of the petitioner, rather on the same date the petitioner was at Dera Radha Soami Satsang Beas, Malout, which is roughly 5 kms away from the alleged place of incident. He submits that there is no other case pending against the present petitioner meaning thereby he is not a habitual offender.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer is not in a position to contest the fact that the injury attributed to the petitioner is of simple nature.

On behalf of the complainant

Mr. Amit Sharma (Kanav), Advocate, puts in appearance on behalf of complainant and vehemently opposes the prayer for the grant of anticipatory bail.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, 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 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 as 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;

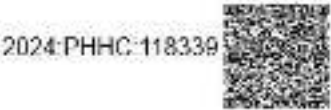
(iii) a condition that the person shall not leave India without the previous permission of the Court;

(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

10.09.2024
Sangeeta

<i>Whether reasoned/speaking:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>