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

CRM-M-46134-2024

Date of Decision: September 17, 2024

RAJ KUMAR

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Amit Sharma, 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 petitioner in FIR No.121 dated 04.08.2024 under Sections 118(1), 324(2), 190 and 191(2) of Bhartiya Nagrik Suraksha Sanhita, 2023, (Section 118(2) of IPC added later on), 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 :-

‘Statement of unknown Dheeraj Kumar, son of Satpal Galhotra, son of Lajpat Rai, resident of Gobind Nagar, near



Water Works Office, Ward No. 03, Malout, aged around 43 years, mobile number 9464804197.

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 Sajan, 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 PS 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 ASL. PCR/SMS is being informed W/M.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the scuffle between the complainant and the petitioner along with other co-accused persons was a result of sudden provocation and was without any malice or other motive for which the petitioner himself is not happy.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer opposes the prayer for grant of anticipatory bail on the ground that the injury caused on the left palm of the complainant, an incised wound by sharp edged weapon 'kappa' has been declared to be grievous in nature as per medico legal report as produced by him.

On behalf of the complainant

In addition to the stand of the State, Mr. Amit Sharma, Advocate, appearing on behalf of the complainant also admits the relationship between the petitioner as well as the complainant to be that of uncle (chacha) and nephew. The complainant, nephew is annoyed at the manner in which he was brutally attacked by the petitioner and other co-accused person though he cannot deny the fact that the injury which was



grievous in nature has been attributed to co-accused namely Gora s/o Prem Kumar.

4. **Analysis**

Having heard the learned counsel for both the parties and on perusal of the medico legal report wherein a total of four injuries have been pointed out and particularly the injury attributed to the petitioner is on the left palm only, that collectively been taken into account with other circumstances under which the scuffle took place between the close family relatives, this Court is considerate to accept the present petition.

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 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 10 days, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

17.09.2024
Sangeeta

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