



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-46722-2024 (O&M)
Date of Decision: 04.12.2024

BALVIR RAM AND ANR.Petitioners
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Sarju Puri, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Gurcharan Dass, Advocate for complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
72	09.08.2024	P.S. Behram, District SBS Nagar	333, 115(2), 191(3) and 190 of BNS, 2023

2. Vide order dated 19.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 19.09.2024 is reproduced as under:-

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.72 dated 09.08.2024 registered under Sections 333, 115(2), 191(3) and 190 of BNS, 2023 at Police Station Behram, District SBS Nagar.

Brief facts of the case are that the aforementioned FIR was registered on the basis of statement recorded by the complainant- Santokh Ram on 09.08.2024 alleging therein that on 06.08.2024 at about 6:30 pm, he was going from village Bharo Mazara to village Chan Guru on his cycle. While on the way, he was intercepted by the petitioner No.2- Manvir @ Manna who was coming from the opposite side on a cart. He turned the cart in the middle of the road thereby compelling the complainant to move his cycle to the kacha berm of the road. When the complainant asked the reason for doing so, then the petitioner No.2-Manvir @ Manna made a telephonic call whereupon the petitioner No.3-Gurdeep Ram, who is his uncle reached there. He caught hold of the complainant and struck blow with iron bangle worn by him on the left side of his forehead. Petitioner No.2 also struck blow with some sharp iron object, thereby, injuring his forehead and petitioner No.3-Gurdeep Ram again struck blow with bangle. In the meanwhile, the father of the complainant had reached at the spot on seeing whom, petitioners No.2 and 3 fled from the spot. However, sometime thereafter, they accompanied by petitioner No.1-Balvir Ram and co-accused entered inside his house and extended beatings to other family members of the complainant due to which they sustained injuries. On hearing the clamour, neighbours had gathered at the spot and only then the assailants fled away. The cause of grudge was that previously also the petitioner had been quarrelling with the family of the complainant on trivial issues. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners had moved applications for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, SAS Nagar.

The present petition has been filed by the petitioners on the ground and it has been argued by their counsel that they

have been falsely implicated in this case. In fact, the agricultural lands of both the parties are abutting but the petitioners did not have any convenient passage to go to their land and they were constrained to use the abutting land belonging to the complainant which was not to their liking. Though, previously a settlement had been arrived at between the parties whereby the complainant party had agreed to provide a passage to the petitioners, however, subsequently, they had backed out from the same. There is also love affair between the young family members of both the parties which is not to the liking of the complainant. It is a case of version and cross version as on the same day, the grandmother of petitioner No.2, namely Smt. Gurpal Kaur had been assaulted by the members of complainant party. Matter was reported to the Police and DDR No.21 dated 14.08.2024 was registered. The FIR has been registered on totally false allegations. The petitioners are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. The alleged offences are triable by Magistrate.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 14.11.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

4. Learned State counsel on instructions, has submitted that the petitioner has joined the investigation on 26.09.2024 and their custodial interrogation is not required. Though learned counsel for respondent no.2/complainant has argued that the petitioner do not deserve to be extended benefit of pre-arrest bail since even after grant of interim bail they have been intimidating and assaulting the respondent/complainant, however, in the absence of any material on record to say so, this argument does not deserve to be accepted. No fruitful purpose would be served by detaining the petitioners in custody.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 19.09.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

04.12.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- | | | |
|----|----------------------------------|---------------|
| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |