



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-47327-2024  
DECIDED ON: 23.09.2024

BALJIT SINGH ALIAS BABBA  
.....PETITIONER

VERSUS

STATE OF PUNJAB  
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gagandeep Singh Sirphikhi, Advocate  
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.122, dated 24.08.2024, under Section 118(2), 118(1), 115(2), 126(2) 303(2), 3(5) of BNS, 2023, registered at Police Station Ghuman, Police District Batala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*"Statement of Gurmej Singh son of Gulzar Singh resident of Chol Chak age about 63 years phone no. 98769-35034 stated that I am resident of abovesaid address and is doing agriculture and my residence is outside the village*

*in the fields. We are having a dispute with Harjap Singh son of Kunan Singh resident of Village Kaure whose residence is also outside the village in the fields regarding the passage because he had removed the government bricks on our passage and had tried to block the passage going towards our house. In this regard a case is also going in the Hon'ble Court. On 19.08.2024 at about 9:30 in the morning and on the decision made by the Hon'ble District Magistrate Gurdaspur regarding for fixing the bricks on this passage I was leveling the passage by putting the sand etc. then Harjap Singh son of Kunan Singh armed with Barcha, Gopi son of Harjap Singh armed with datar, Baljit Singh @ Babba son of Ajmer Singh armed with datar, Jaswinder Singh son of Kunan Singh armed with gandasi resident of Village Kaure and came on the car swift bearing number PB-32-V-5434 white color and came from the side of their house and while coming after parking the car Jaswinder Singh raised the lalkara and he be caught and be not allowed to escape and he be teached a lesson for filing a case regarding the passage. Gopi abovesaid gave a reverse blow with his datar upon me which struck on the right side of the head and then Jaswinder Singh gave a blow with his gandasi upon me which struck in the waist. Then Gopi abovesaid gave a reverse blow with his datar upon me which struck on the right thigh and then Harjap gave two blows continuously with the dang of his barchi upon me and which struck on the backside of my left thigh and I fell down on the ground. Then Baljit Singh @ Babba abovesaid gave a blow with his datar upon me and which struck below the right knee of my leg and then Baljit Singh @ Babba gave a reverse blow with his datar which struck on my left ankle. Then Jaswinder Singh gave a blow with his gandasi upon me and I raised in defence*

*my left hand and the blow struck on the fingers of my left hand. I raised raula "Mar Ditta" "Mar Ditta" . After hearing my hue and cry the Satnam Singh s/o Dilbagh Singh resident of Chol Chak who is son of my paternal uncle and whose residence is also near me came on the spot and he got me rescued from the abovesaid accused and the above-said also pushed Satnam Singh and while going also took away the cash of Rs.7000/- in the wallet of Satnam Singh and ran away from the spot while giving abuses to us in the swift car. Then the son of my paternal uncle took me to the house and when Satnam Singh was taking me to the hospital then all the abovesaid stopped our way and on which we informed the police. On the coming of the police employees we came outside the house and then the son of my paternal uncle Satnam Singh got me admitted in the Civil hospital Batala and where doctor sahib medically treated me and issued the MLR and is undergoing the treatment. The reason for the enmity is that we are having a dispute of passage which is pending in the Hon'ble Court. During the pendency of the case the abovesaid person had removed the government brick on the passage and on the asking of revenue department the abovesaid person did not allowed to affix the bricks and on the orders of Hon'ble Punjab and Haryana High Court an FIR No. 50 dated 16.04.2024 was registered under Section 431, 427, 34 IPC, Police Station human against the abovesaid. The above-said had inflicted injuries due to this enmity This occurrence has been witnesses by Satnam Singh a/o Dilbagh Singh resident of Chol Chak who is the son of my paternal uncle. The legal action be taken against the abovesaid The statement has been got recorded and has been heard and is correct. Sd/- Gurmej Singh Attested*

*Sd/- Avtar Singh ASI Police Station Ghuman dated  
24.08.2024."*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the allegations qua the petitioner having been armed with datar and causing injury on just below the right knee of his leg and on the left ankle with the reverse side of the datar is totally based on a concocted story as there is no iota of truth while referring to medical legal report. He further contends that it is evident that injury attributed to the petitioner i.e. injury No.6 on the leg has been opined to be superficial and not declared as grievous. He further asserts that there is no occasion for the petitioner to get into the scuffle but instant FIR has been lodged as a counter-blast totally on a false and baseless allegations as no such incident ever took place. It has been asserted on behalf of the petitioner that there is a civil dispute qua the encroachment over the passage on which injunction has already been granted by the trial Court vide order dated 24.01.2024 (Annexure P-1).

**On behalf of the State**

Learned State Counsel appearing on advance notice, opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner has given two injuries, one below the right knee of his leg and another on the left ankle but could not make out a case of any grievous hurt despite opinion given by the Doctor after conducting X-ray of the said injuries.

4. **Analysis**

This Court has perused the medical legal report as well wherein injury No.6 attributed to the present petitioner has also been opined to be in the form of superficial and not declared as grievous, which cannot be ruled out to be as inflicted at this stage.

In the light of these facts, no useful purpose would be served by sending the petitioner behind the bars as he is ready and willing to join the investigation as has been averred by learned counsel for the petitioner.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)  
JUDGE

23.09.2024  
Poonam Negi

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |