



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

204

**CRM-M No.49975 of 2024
Date of decision : 18.10.2024**

Harpreet Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Simrat Kaur, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. Anmol Puri, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.86 dated 9.8.2024, under Sections 115(2), 118(1), 118(2), 74, 298 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Sadar Gurdaspur, District Gurdaspur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Hardeep Singh son of Mewa Singh resident of Bhukra, Police station Sadar Gurdaspur, aged about 63 years, M.No: 78378-13083, stated that I am the resident of the mentioned address and doing



the work of agriculture. On 07.08.2024, I along with my daughter Manjit Kaur was going towards my field from my house, when I reached in front of the house of Kabal Singh son of Sukhwinder Singh, it was around 6.00 pm in the evening, I saw Kabal Singh son of Sukhwinder Singh armed with Datar, Harpreet Singh son of Sukhwinder Singh and Gurpreet Singh son of Sukhwinder Singh armed with Dangs and Sukhwinder Singh son of Kulbir Singh residents of Bhukra were standing in the gate of their house. On seeing us Kabal Singh raised lalakara and said he is helping the other party and let today he be killed and should not be let go free, then Kabal Singh gave datar blow to me I raised my left arm to protect myself, which hit on the elbow of my left arm, then Kabal Singh took off my turban, then Sukhwinder Singh caught hold of me and pulled my beard, when I was caught by Sukhwinder Singh, then Harpreet Singh gave two dang blow to me which hit on my neck and the back side of my right shoulder, then Gurpreet Singh hit me with daang on the back of my left shoulder, then my daughter Manjit Kaur came forward to save me, then Kabal Singh picked up a brick from the ground and hit on head of my daughter Manjit Kaur, all of them started quarreling with my daughter and started pushing her around, due to which the shirt of my daughter was torn from front. On hearing our hue and cry when the people of the village started gathering there, on seeing them, the above mentioned accused along with their weapons and Kabal Singh had taken my turban with him to his house. Then by that time my son Ravinder Singh son of Hardeep Singh came there, who arranged a vehicle and took me and my daughter Manjit Kaur to Civil Hospital Gurdaspur, where doctor gave first aid to us and MLR's were prepared, where we are undergoing treatment,. Statement has been recorded and is correct. I am the complainant and action be taken. Sd/- Hardeep Singh, verified by Harinder Singh ASI PS Sadar Gurdaspur, Dated 09.08.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.8.2024. Learned counsel has further submits that the case in hand is of version and cross-version and the injury attributed to the petitioner is simple in nature. The provisions of Section 118 of BNS is invoked against the petitioner since the petitioner is said to be a member



of unlawful assembly. Hence, regular bail is prayed for.

4. Learned State counsel as well counsel for the complainant have opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner ought not to be extended the concession of regular bail. Learned counsel for the complainant has further submits that specific injuries have been attributed to the petitioner and hence, the present petition deserves to be rejected.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.8.2024. Indubitably the matter is still under investigation but as far as the material which is available today reflects that the petitioner has been attributed an injury which has been found simple in nature. The involvement of the petitioner into the alleged crime in question, especially with respect to his being part of an unlawful assembly and that whether the offence under Section 118 of BNS is made out against the petitioner or not; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 16.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and nineteen days & is not shown to be involved in any other case.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

2024:PHHC:135922



CRM-M No.49975 of 2024

-5-

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

18.10.2024
Ashwani

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