



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.50147 of 2024
Date of decision: 14.11.2024

RAJ SINGH ALIAS RAJU

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Arshdeep, Advocate for the petitioner.

Mr. Satjot Singh, A.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.189 dated 16.09.2023 registered under Sections 452, 325, 323, 148 and 149 of IPC at Police Station Sadar Fazilka.
2. Vide order dated 04.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 04.10.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner seeking pre arrest bail in case arising out of FIR No.189 dated 16.09.2023 registered under Sections 452, 325, 323, 148 and 149 of IPC at Police Station Sadar Fazilka.

As per the prosecution case, on 11.08.2023 on receipt of an information regarding sustaining injuries by the victim- Kamlesh Rani, a Police party had contacted her and recorded her statement. She alleged that on 07.08.2023, she received an information that Police had gone to her parental house to arrest her brother. She went to her parental house wherein, accused Kirna and Nisha Rani who is her sister-in-law had started hurling abuses to her. On the



same day, present petitioner along with co-accused came to her parental house. They were armed with weapons and by making an exhortation, they opened an assault and caused several injuries to her. She also recorded that the present petitioner had struck a blow with kirch thereby, hitting little finger of her left hand. Other accused had also caused injuries to her. As such prayer was made for taking action against the petitioner and co-accused. On the basis of her statement, initially a DDR under Sections 323, 452, 148 and 149 of IPC was registered and subsequently, after receipt of MLR to the effect that the complainant had sustained injuries, offence under Section 325 of IPC was added and FIR was registered on 16.09.2023. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by learned Additional Sessions Judge, Fazilka vide order dated 30.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. There is delay of 4 days in reporting the matter to the Police. The present case is a counter blast to FIR No.129 dated 28.08.2023 registered under Sections 376, 354-C, 506 and 511 of the IPC by the petitioner against the brother of the complainant. It is further submitted that subject offences are triable by the Magistrate. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petitioner deserves to be extended benefit of bail.

Notice of motion.



Learned State counsel who has appeared on advance notice of the petition, submits that there are serious and specific allegations the present petitioner, therefore he does not deserve to be extended benefit of bail. She seeks time to file status report in the matter.

Adjourned to 14.11.2024.

In the meantime, the petitioner is 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 his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 13.11.2024 filed on behalf of the respondent – State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 09.10.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 04.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

14.11.2024

Jyoti-IV

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