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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.50084 of 2024
Date of decision: 23.10.2024

Love Preet Singh @ Love ... Petitioner

Vs.

The State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in case G.D. No.15 dated 23.10.2021 registered under Sections 323, 326, 148 and 149 of IPC at Police Station Kathu Nangal, Amritsar lodged in case FIR No.184 dated 18.10.2021 registered under Sections 323, 324, 427, 148 and 149 of IPC (Section 326 of IPC added later on) at Police Station Kathu Nangal, District Amritsar Rural.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Kulwinder Singh making

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allegations that on 07.10.2021, the accused Reshamjit Singh and Harwinder Singh alias Suri Singh accompanied by co-accused Gora Singh and Kalu Singh and 20 unknown persons had came outside his house and after making an exhortation to teach him a lesson for demanding money, they had opened an attack from the outer gate of his house. They had thrown brickbats one of which had hit his niece Tamandeep Kaur. She was taken to hospital on 08.10.2021 and at about 04/05:00 PM, Ranjit Kaur his sister-in-law along with Happy Singh friend of the complainant had come to the hospital. He further alleged that while on the way, Ranjit Kaur was assaulted by Reshamjit Singh who struck blows with Kirpan upon her thereby causing injuries on the fingers of her left hand. The cause of grudge as disclosed by the complainant was that he had been demanding an amount of Rs.52,000/- borrowed by Reshamjit Singh from him but instead of paying the same back, he had started extending threats to him. After registration of FIR, investigation proceedings were initiated. On 23.10.2021, a G.D. No.15 was registered on the basis of statement recorded by Punjab Roop Singh member of the opposite party alleging that on 08.10.2021, Kulwinder Singh complainant of FIR No.184 along with the present petitioner, Harpal Singh, Kuldeep Singh, Ranjit Kaur and Sandeep Kaur had intercepted him while he was going towards his house and had assaulted him. He recorded that the present petitioner had struck a blow with datar thereby injuring his left leg. The petitioner along with the above named

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persons was booked for commission of offences punishable under Sections 148, 323 and 326 read with Section 149 of IPC. Investigation in the G.D. was also initiated simultaneously. Apprehending his arrest, the petitioner moved application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 24.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. The injury attributed to him is on non-vital part of the body. The petitioner was not member of the aggressor party. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. By forming an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he caused grievous injury with sharp edged weapon to victim Punjab Roop Singh. The weapon of offence is to be recovered from him. His custodial interrogation is required for that purpose. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard the learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the

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record.

6. The petitioner along with the co-accused is alleged to have caused grievous injury on the person of Punjab Roop Singh. A cross case has been registered against the members of the opposite party on the basis of statement recorded by Kulwinder Singh who is a member of the party of the present petitioner. It is a case of version and cross version. Both the parties have attributed injuries to each other. It is a debatable question as to who was the perpetrator of the crime and who was the aggressor. There is delay of 15 days in reporting the matter to the police. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Arresting/Investigating Officer within a period of one week from today and on his joining investigation and further subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

(MANISHA BATRA)
JUDGE

23.10.2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No