



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-51079-2024(O&M)
Date of Decision: 21.11.2024

KHUSHVINDER SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Pushp Jain, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

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
108	22.09.2024	P.S. Bareta, District Mansa	115(2), 333, 305, 190 and 191(3) of BNS, 2023

2. Vide order dated 16.10.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 16.10.2024 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.108 dated 22.09.2024 registered under Sections 115(2), 333,



305, 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS'), at Police Station Bareta, District Mansa.

The brief facts are that the aforementioned FIR was registered on the basis of statement recorded by the complainant-Hardeep Singh alleging therein that on 21.09.2024 at about 2.30 pm, he was sitting in the cafe shop of Sandeep Khan which is existing in neighbourhood of his shop when the petitioner along with Balwinder Singh @ Soni, co-accused Gaggi Singh, Hardeep Singh, Lovepreet Singh @ Mundal, Ashu and 4-5 unidentified persons reached there. All of them were armed with baseball and other deadly weapons. On reaching there, they proclaimed that the complainant should be taught a lesson and then they opened an assault upon him. The petitioner struck a blow with a danda on his back whereas the other assailants also caused injuries to him by striking blows with their respective weapons. Sandeep Khan and Hardeep Singh tried to save him but they were extended threats of life by the assailants. They raised recue alarm, on hearing which, the assailants fled away from the spot and while fleeing, they took away of the mobile phone belonging to the complainant. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which was dismissed by the Court of learned Sessions Judge, Mansa vide order dated 09.10.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The offence



under Section 115 of BNS has not been made out as there is no allegation against the petitioner that he had trespassed into the premises belonging to the complainant. The complainant is alleged to have sustained simple injuries. It is debatable question as to whether the ingredients for commission of offence under Section 305 of BNS are attracted in this case or not? The custodial interrogation of the petitioner is not required. He is ready to join the investigation. The allegation about snatching of the mobile phone of the complainant has not been levelled against the petitioner. With these broad submissions, it is urged that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that there are specific allegations against the petitioner. He was named in the FIR. Specific injury has been attributed to him. X-ray report of the complainant is yet to be received, therefore, it is urged by him that the petition does not deserve to be allowed. She also seeks time to file status report in the matter. Adjourned to 21.11.2024.

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. Learned State counsel has filed status report dated 20.11.2024. The same is taken on record and be tagged at the appropriate place. Further submitted that the petitioner has joined the investigation on 23.10.2024. His custodial interrogation is not required.
4. 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 16.10.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

21.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned

Yes/No
2. Whether reportable

Yes/No