

2024.PHHC.136171



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51398-2024
DECIDED ON: 18.10.2024

SHAMSHER SINGH @ SHERA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Tuneet Walia, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked for grant of anticipatory bail to the petitioner in case FIR No. 49 dated 23.07.2024, under Sections 125, 304, 351(2), 61 of BNS and Section 25/27 of Arms Act, registered at Police Station Verka Police Commissionerate, District Amritsar.

2. Facts:-

Statement of Lamjot Singh @ Kaka son of Mangal Singh resident of Near Suaa, Indra Colony, Verka, Tehsil & District Amritsar, aged about 26 years, Mob. 98774- 54853, stated that I am resident of above said address and I have a work of catering in the marriage parties. Today at about 10:15 PM in the night, I was present at my house then I received a Phone from Mob. No. 86998- 61202 on my Mobile No. & he said to me that I am speaking Manjinder Singh from your Mohalla and he said to me to come at Ranjit Avenue and I told him that I cannot

come there, he again said to me that then you come at Verka By Pass and I said to him that I can only come out in front of my house. When I came out of my house in the main street, then I saw that 5 young person came out from two different cars, out of which one was swift color white and the other was Honda Amaze Color white. Manjinder Singh S/o Bir Singh R/o Indra Colony, Verka armed with pistol, Sony R/o Bagge wali patti, Verka Amritsar armed with pistol and Shera R/o Indra Colony, Verka Amritsar armed with pistol and two unknown persons who remain seated in the car. Sony and Shera fired 3-4 rounds in the air just to threaten to me and Sony caught me hold from my neck and snatched my one tola gold chain and both Sony and Shera alongwith their weapon while giving threatening to me fled away from the spot by their two cars. Manjinder Singh handed over his pistol to his neighbor Major Singh and after locking his house he alongwith his family went away by his Innova car color golden. The reason behind the occurrence is that on dated 20.07.2024 I had an altercation with Manjinder Singh on some issue and Manjinder Singh said that I will see you. later. Legal action may kindly be taken.”

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and was nominated on the basis of statement suffered by the complainant. He further submits it is a no injury case and rather the matter stands settled between the parties and in pursuance thereof a quashing petition bearing CRM-M-46678-2024 is pending for 25.11.2024 before this Court.

On behalf of respondent-State

4. Notice of motion.

On the asking of Court, Mr. Jaspal singh Guru, AAG Punjab accepts notice on behalf of respondent-State and does not controvert the factum of compromise.

5. Analysis

Be that as it may, considering the aforesaid facts and the submissions made on behalf of the petitioner as well as learned State counsel that the matter has been amicably resolved between the parties, no fruitful purpose would be served by sending the petitioner behind bars.

6. Decision

In view of the above, this Court does find any reason to decline the present petition, hence, the petitioner is directed to join the investigation within a period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

18.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>