



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.51225 of 2024
Date of decision: 03.12.2024

JOGINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Sr. D.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.84 dated 22.07.2024 registered under Sections 118(2), 118(1), 117(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') at Police Station Bhindi Saidan, District Amritsar Rural.

2. Vide order dated 16.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 16.10.2024, passed by this Court, reads as under:

"The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (for short- 'BNSS'), 2023 for grant of anticipatory bail in case arising out of FIR No.84 dated 22.07.2024 registered under Sections 118(2), 118(1), 117(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') at Police Station Bhindi Saidan, District Amritsar Rural on the basis of statement recorded by Tarlochan Singh alleging



therein that on 12.07.2024 at about 4.00 pm, when he was going towards his agricultural land, present petitioner along with co-accused Sukhwinder Singh, Gurwinder Singh and Amritpal Singh were standing on the way. All of them were armed with weapons. Co-accused Sukhwinder Singh had made an exhortation to teach a lesson to the complainant and thereafter all of them had opened an assault upon him. The present petitioner struck a blow with datar thereby, injuring little finger of his right hand and thereafter by felling him on the ground, struck a blow with the reverse side of the datar thereby, hitting his right shoulder. The co-accused also inflicted injuries on his person. He raised rescue alarm which attracted the people from his neighbourhood who saved him from the clutches of the petitioner and co-accused. He was taken to the hospital and is under treatment till date. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 07.10.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, it is a case of version and cross version and a DDR No.30 dated 28.07.2024 stands registered on the basis of statement recorded by the co-accused Gurwinder Singh. The petitioner is 67 years old person with clean antecedents. Co-accused Amritpal Singh whose case is



on similar footing has since been extended benefit of pre arrest bail. The injuries which have been opined grievous in nature had not been attributed to the petitioner but to the co-accused Sukhwinder Singh. There is delay of 10 days in reporting the matter to the Police. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that the petitioner deserves to be extended benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter by arguing that there are serious and specific allegations against the petitioner who in furtherance of common intention with the co-accused has caused simple as well as grievous injuries on the person of the complainant.

Adjourned to 26.11.2024.

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 BNSS.”

3. Status report dated 02.12.2024 filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the

Investigating Officer, has submitted that the petitioner has joined investigation on 20.10.2024 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 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.

03.12.2024/Jyoti-IV

(MANISHA BATRA)
JUDGE

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