



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M 52633 of 2024

Date of decision: 03.12.2024

SUKHWINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Anmol Jeevan Singh Gill, 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 22.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 22.10.2024, 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 Joginder Singh, Gurwinder Singh and Amritpal Singh were standing on the way.



All of them were armed with weapons. The present petitioner made an exhortation to teach a lesson to the complainant and thereafter all of them had opened an assault upon him. The present petitioner had struck a blow with the datar thereby, hitting his right elbow. 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. Though, the grievous injury sustained by the complainant had been sustained to the petitioner, however, in fact, he was not present at the spot. His son and nephew have also sustained in the injuries in the same incident. Co-accused Amritpal Singh as well as Joginder Singh whose cases are on similar footing, have since been extended benefit of pre arrest bail. 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. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 26.10.2024 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 22.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

03.12.2024
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Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No