



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M No.53165 of 2024
Date of decision: 10.12.2024

BALWINDER SINGH @ BALVINDER SINGH

.... Petitioner

Versus**STATE OF PUNJAB**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Push Jain, 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.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.

2. Vide orders dated 24.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 24.10.2024, passed by this Court, reads 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 co-accused Khushvinder Singh, 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 present petitioner had inflicted an injury on the head of the victim by striking a blow with iron rod. Co-accused Khushvinder Singh 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 rescue alarm, on hearing which, the assailants fled away from the spot and while fleeing, they took away 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 specific injury has been attributed to the present petitioner as he struck a blow with iron rod on the head of the victim thereby causing injury on the person of the victim. He was named in the FIR. 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, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 25.11.2024 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 24.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

10.12.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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