



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-53284-2024

Date of decision: 25.10.2024

Jaspal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Fariad Singh Virk, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.82 dated 17.09.2024 under Sections 115(2), 126(2), 304(2), 191(3), 190, 351(3) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sanaur, District Patiala.

2. Learned counsel for the petitioner submits that a totally fabricated case has been planted upon the petitioner by substituting the name of the actual perpetrator of the crime with the petitioner, only on account of a history of strained relations between them. It has been further submitted that all the offences are bailable except for Section 304(2) of the BNS. Hence, the petitioner deserves to be extended the concession of bail.

3. Notice of motion.

4. On asking of the Court, Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel, at the outset, has drawn the



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attention of this Court to the specific allegations levelled against the petitioner in the FIR in question, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

*"At this time, a statement of Raman Kumar Garg S/O Late Mr. Om Prakash Resident of House No. 215 Ward No. 13 Vishwakarma Colony Sanore, Police Station Sanore District Patiala Age about 42 years, Phone No. 73550-80000 recorded by ASI Bikramjit 333/Pt. has been received to police station against Kuldeep Singh son of Gurcharan Singh, **Jaspal Singh @ Pal** son of late Baljit Singh, unknown son of the said Kuldeep Singh Cinema Colony Sanor Police Station Sanor District Patiala and two unknown persons for registration of case under sections 115(2), 126 (2), 304(2), 191(3), 190, 351(3) BNS Handi PHG Nirmal Singh 18039 which is reproduced as under,"*

*Statement of Raman Kumar Garg S/O late Shri Om Prakash Resident House No. 215 Ward No. 13 Vishwakarma Colony Sanour, Police Station Sanour, District Patiala Age About 42 Years Phone 73550-80000/- Stated that I am a resident of the said address and I have a grocery shop at Sadar Bazar Sanour, I took Rs.21,00,000/- from Kuldeep Singh son of Gurcharan Singh resident of Cinema Colony, Sanour who refused to pay me the said amount, the check of which I deposited in the bank for encashment which got bounced, after which I filed a case in Hon'ble Court which did not appear in the Hon'ble Court. Due to which Hon'ble Court of Mr. Palwinder Singh JMIC Patiala has declared PO to said Kuldeep Singh vide order dated 05-12-2023, due to which the police was conducting raids at his house, Because Kuldeep Singh's friend **Jaspal Singh @ Pal** son of Late Baljit Singh resident of Cinema Colony Sanour contacted me and told me that I will get compromise of you with Kuldeep Singh, you stop sending police to his house, then tomorrow on 16-9-24 the said **Jaspal Singh** met me at bazaar. who told me that today around 8/8:30 you will come to Anaj Mandi Sanour and I will also call to Kuldeep Singh. We sit and talk then I rode my Activa scooter yesterday on 16-9-24 at around 8:45 PM and went to Anaj Mandi Sanur. Where the said **Jaspal Singh and Kuldeep Singh along with the son of Kuldeep Singh and 2 other unknown persons met me in the market who started abusing me, who started threatening me that you will not stop sending police to our house by paying you today. Kuldeep Singh and Jaspal Singh and Kuldeep Singh's son picked up the baseballs that were already hidden there, so I got scared***



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and started my scooter and ran away then above all the above noted ran away to other side and surrounded and grabbed the handle of my scooter and threw me under the scooter Then Kuldeep Singh hold the baseball in his hand and hit my right leg and then gave the second blow, which hit on my right shoulder. ***Then Jaspal Singh who hold baseball in his hand and gave a hit on my forehead and another blow was given which hit on left hand and also gave another blow, which hit on my back*** and the son of Kuldeep Singh also gave blows on right arm and left arm several times with his baseball. Other unknown persons also punched me and beat me with their legs. At the same time, these persons also pulled the chain gold weighing about 46 grams from my neck and broken it, then all the people started threatening me that today they have spare you, if you again send the police to our house, will shoot you, then all the people left me there and ran away with their respective weapons. Then I called to my brother Shiv Kumar and told the whole story, he picked me up from there and admitted me to Rajendra Hospital for treatment, where I am undergoing treatment. I have written my statement to you. Please take action. SD/- Raman Kumar 7355080000 dt 17/9/24 Verification sd/- Bikramjeet ASI Police Station Sanour Date: 17-9-24”

6. It has been contended by the learned State counsel, on instructions from ASI Bikramjit, that the entire occurrence in question was masterminded by none other than the petitioner; it was the petitioner, who called the complainant to the spot and thereafter along with the co-accused, who owed money to the complainant, inflicted injuries with a baseball club on his forehead and left hand. In addition, the complainant was also hit on his back. The other co-accused also participated in the occurrence in question by giving repeated blows on the person of the complainant. It has been submitted that it is evident from a perusal of the allegations levelled in the FIR that while fleeing away from the spot not only did the accused snatch the chain of the complainant but also threatened him with dire consequences.



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7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Prima facie, there are serious and specific allegations levelled against the petitioner. In the wake of the allegations levelled, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner, moreso, when it has been apprised by the learned State counsel on instructions that the petitioner is involved in a number of other criminal cases. Accordingly, instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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