



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53935-2024
DECIDED ON: 05.11.2024

BALRAJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. GPS Ghuman, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. G.S. Salar, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.144, dated 01.08.2024, under Sections 109, 127(2), 115(2), 351(2), 191(3) of BNS, 2023, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of statement, "Statement of Daman Kumar son of Satveer Singh Resident of House No. 135, Sector 10 Block A Guru Ki Nagri Mandi Gobindgarh Age 23 years Phone No. 88375-55732, stated that I am a resident of

above mentioned address. I am doing trading work. On the night of 30-31.07.2024, I was sleeping in my house, Balraj Singh, a resident of Fatehgarh Newa called me on phone and I picked up the phone then Balraj Singh said to me that you are sharing my facts with others, to whom I said that there is no such thing. Then Balraj Singh told me that the person to whom you had shared is standing next to me, so you come to me, so upon the instance of Balraj Singh I reached Battian Wala Chowk Gobindgarh, time would be around 12:30 am that along with Balraj Singh, Rammu resident of Kukkad Majra, Gagan R/o Amloh were present then Balraj Singh slapped me and took the key of my motorcycle. Balraj Singh and Gagan went from the spot and Rammu started saying that come I will get you the key of your Motorcycle. In the meanwhile I called my friend Gurpreet Singh son of Jarnail Singh resident of Dudheri Kotla over phone and me and Gurpreet Singh went to the back side of JK Weighing scale for fetching keys along with Rammu in the shop of Balraj Singh. Where Rammu took both of us inside the shop, where already Baddal resident Kukkar Majra, Gagan Amloh, Balraj Singh and 3/4 other unknown boys were sitting inside the shop, Rammu locked the gate of the shop from inside as soon as we entered. Then Rammu, Baddal, Gagan and Balraj said while raising challenged that today they have come to our clutches and we will not let them spare scot free today, then all of them while locking us inside the shop started hurling abuses and giving threats, that Rammu, Bhadal and Balraj were holding Dah in their hands. While I was watching, Bhadal gave Dah blow to Gurpreet Singh on the left side of his head with the intention of killing him. Then Rammu gave blow of Dah which hit upon his left arm, which he was carrying in his hand and Balraj gave Dah blow upon

his right leg which he was carrying in his hand. Due to which Gurpreet Singh got seriously injured and fell to the ground. His blood started oozing out. Then Gagan and 3/4 unknown persons started beating me with a baseball bat which they were carrying in their hands. Then I gave a loud cry of beating, then nearby shopkeepers gathered there, then above named persons fled from the spot with their respective weapons. Then I called Mandeep Singh son of Darshan Singh resident of Guru Ki Nagar at the spot, who put us in his car and took us to CH Mandi Gobindgarh, where the Doctor gave first aid to Gurpreet Singh and referred him to GMCH Sector 32 Chandigarh for treatment. That after giving treatment to me I was discharged by the Doctor. That since the condition of Gurpreet Singh is more critical, se we have admitted him to DMCH Ludhiana for treatment, whose condition is unstable and cannot speak. Regarding which I was coming to the police station to give information, the police party along with you met at the gate of the police station and I recorded my statement to you, heard it, is correct. Legal action may be taken against Rammu, Bhandal, Gagan, Balraj and 3/4 unknown persons Sd/- Daman, Deponent. Attested Sd/- Rajinder Singh ASI PS GBG.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that even as per the FIR no injury has been attributed to the present petitioner except holding *dah* in his hand. He would refer to the medico legal report whereby injury attributed to him if corroborated with the version of the FIR inflicted on

right leg i.e. injury No.2, the opinion on which is still awaited. Apart from that injury No.1 and 3 have been declared simple in nature.

He further contends that the injury No.3 is on the left side of scalp wherein surgical opinion was advised but according to the medico legal report the opinion qua injury No.2 is also pending. The attention of this Court has also been drawn to certain photographs wherein the petitioner is wearing a turban and is standing empty handed and can be seen only holding a mobile phone as is evident from Annexure P-3. The version set forth before this Court that the petitioner actually stepped into the scuffle merely for the purpose of separating the two factions pertaining to his employee Vijay Kumar and his enemies to whom the petitioner was not known at all and under this pretext of his presence he has been nominated as an accused in the FIR which do not narrate the true facts and are well controverted with the help of photographs attached as Annexures P-2 and P-3 with the present petition.

On behalf of the State/complainant

Learned State Counsel appearing on advance notice assisted by learned counsel for the complainant, forwarded a copy of medico legal opinion dated 17.09.2024 wherein injury No.2 has been declared as dangerous in nature but not dangerous to life attracting Section 109 of BNS, 2023.

4. **Analysis**

Having regard to the totality of facts and circumstances as well as submissions made hereinabove, this Court after perusal of the documentary material before it including the photographs as well as medico legal report dated 31.07.2024 and the opinion from the Medical Officer,

Civil Hospital Mandi Gobindgarh dated 17.09.2024, which is taken on record as document A, I am of the considered view that none of the injury has been declared dangerous to life and in fact admitted role of the petitioner if at all taken to be a gospel truth as per the FIR and the medico legal report, the injuries on the leg of the victim which is not a vital part, has been declared dangerous alone. The State has also failed to make out a case for custodial interrogation at this stage and in the light of fact that the petitioner is ready and willing to join the investigation who has undertaken before this Court to cooperate with the investigating officer, the necessary material can be extracted in that eventuality alone.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

05.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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