

2024:PHHC:144037



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54936-2024
DECIDED ON: 06.11.2024

JASPAL SINGH ALIAS HIRA SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Bahl, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the
grant of anticipatory bail to the petitioner in FIR No.0227 dated 28.07.2023, under
Sections 323, 324, 341, 379, 148 and 149 of IPC, 1860 registered at Police Station
Division B, District Amritsar.

2. Facts

The prosecution story set up in the present case as per the version
narrated in the FIR read as under :-

*“Statement of Harpreet Singh son of Lakhwinder Singh, resident of
Bhai Manjh Road, Mata Ganga Ji Nagar, Court Mit Singh, Tarn Taran
Road, Amritsar, aged 32/33 years, Mobile no. 95922-96890, 98145-*

38854. Stated that I am the resident of above stated address and I drive e-rikshaw for employment. On 26.07.2023 at 11:30 PM, I was travelling on my motorcycle from railway station to my aforesaid house. When I reached Antaryami Colony, Chowk Shaheed Udham Singh Nagar, Heera Singh, Baljit Singh resident of near Chattiwind canal, Peera Wala Bazar Tarn Taran Road, came from backside and Heera Singh stopped his active in front of me and alighted from his vehicle and threw chillies in my eyes. Baljit Singh caused injuries on my person with his datar. In the mean time, 4-5 persons came on 2 motorcycles from back side and they also caused injuries on my person. Due to the chillies in my eyes, I fell on the ground and nothing was visible to me. Except Heera Singh and Baljit Singh, I do not identify any other person. While I was lying on ground, one of them took my phone make Vivo V-25 pro which had SIM no. 86999-72594. They also stole Rs. 7,000/- from my pocket. I raised raula Maar Ditta, Maar Ditta. After seeing people of society gathering at the place of occurrence, assailants ran away from the spot along with their weapons. One of the person from the society took phone number of my father and called him. My father arranged for a vehicle and took me to Civil Hospital for treatment. The officials at Civil Hospital referred me to Guru Nanak Dev Hospital, Amritsar where I am being treated. Yesterday i.e 27.07.2023, I was unable to get my statement recorded as I was under the influence of medicines. Today I have got my statement recorded. The apple of discord is that Rajpreet Kaur, sister of Baljeet Singh owed me Rs. 75,000/- and they were not returning this money. They have put chillies in my eyes and have caused injuries on my person. Legal action may kindly be taken against Heera Singh, Baljeet Singh and other unknown persons.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that it was purely out of a financial transaction involving co-accused Baljeet Singh and complainant that led to clash of interest and unpleasant relationship between two. It is in the aforesaid

circumstance, the petitioner being close associate of co-accused Baljeet Singh has been nominated as an accused in the instant FIR, wherein he is neither a beneficiary nor in any manner connected to the commissioning of offence. He has drawn attention of this Court to an order dated 13.11.2023 (Annexure P-2) passed by JMIC Amritsar, vide which co-accused Baljit Singh has also been granted the concession of regular bail.

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and on instructions from ASI Nirvel Singh prays for dismissal of the present petition asserting that it is the petitioner, who has thrown red chilly powder in the eyes of complainant and the persons accompanying the present petitioner alongwith Baljit Singh snatched an amount of Rs.7,000/- and a mobile phone.

4. Analysis & Decisions

Be that as it may, considering the fact that whatever injury has been alleged to have been caused is not by the petitioner, but by the other co-accused persons, who have snatched the mobile phone and cash and that injury was marked as requiring x-ray examination and therefore, medico legal report subsequently also does corroborate and substantiate the allegations qua causing of injury either by the petitioner or any of the other co-accused persons. According to the State counsel as well it is Baljit Singh, who alongwith other co-accused persons have been alleged to have snatched Rs. 7,000/- alongwith a mobile phone, but the fact remains that Baljit Singh has already been granted the concession of regular bail by the trial Court vide order dated 13.11.2023 (Annexure P-2) and once the Court countered the State on the fact that after registration of FIR on 28.07.2023 why the petitioner has not been

apprehended, who is actually performing his daily routine chores without any fastened from the Investigating Agency, but now after a lapse of numerous months his arrest is being sought.

In the light of above, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

06.11.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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