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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-54591-2024 (O&M)

Date of decision: 28.11.2024

Gagandeep Singh @ Gagan**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No. 199, dated 21.08.2024, registered under Sections 109(2), 115(2), 118(1), 126(2), 3(5), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Sections 115, 117(2) and 118(2) of BNS added later on] at Police Station Rama Mandi, District Jalandhar.

2. As per the prosecution case, the aforementioned FIR has been registered on the basis of the statement recorded by complainant Akashdeep Singh on 21.08.2024 alleging therein that on the night of 19.08.2024, accused Janu and Arun had intercepted him while he was riding an active vehicle. They had pulled the key of his vehicle and had opened assault upon him. Accused Janu struck a blow with a *Gandasi*, thereby injuring his left hand. Accused Arun hit his chest with a baseball. They had come in a car. The present petitioner and co-accused Sunny had then alighted from the said car

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and the present petitioner struck a blow on the back of the complainant with a baseball, whereas a blow with a *datar* was given by co-accused Sunny. Thereafter, they started extending beatings to him. His sisters were attracted at the spot on hearing clamour and reached there to save the complainant and then the assailants fled away. The motive attributed to the assailants was that some days back, they had misbehaved with the sister of the complainant, while she was going on an Axtiva vehicle and the complainant had stopped them from doing so. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Jalandhar but the same has been dismissed, vide order dated 07.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in reporting the matter to the police, which has created a serious dent in the story of the complainant. The petitioner was not present at the spot at the time of occurrence and has been implicated in this case due to political pressure being exerted by the complainant. In fact the complainant party has enmity with co-accused Janu and Arun and the petitioner, being their friend, has been falsely implicated in this case. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining the petitioner into custody. Hence, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner has

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caused injuries on the right shoulder and left thigh of the complainant with a baseball bat. One of these injuries was found to be grievous. The petitioner along with co-accused had assaulted the complainant and had caused as many as six injuries on his person. His custodial interrogation is required for conducting proper investigation in the matter by the police. The allegations against him are quite serious in nature. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner by hatching a conspiracy with the co-accused and in furtherance of that conspiracy is alleged to have caused injuries to the victim/complainant as on 19.08.2024. The complainant had sustained simple as well as grievous injuries. However, the injuries, which have been opined to be dangerous to life, have not been attributed to the petitioner. There is delay of two days in lodging of the FIR. Keeping in view the nature of the acts as attributed to the petitioner, I am of the considered opinion that no useful purpose would be served by detaining him into custody. Accordingly, without making any comment on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the condition that he would surrender before the Investigating Officer within a period of ten days from today and in that eventuality, the Investigating Officer/Arresting Officer shall release him on bail, on furnishing personal/surety bonds to his satisfaction by the petitioner. This order shall also be subject to the following conditions:-

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- (i) The petitioner shall cooperate with the investigation and shall appear before the Investigating Officer as and when required.
- (ii) He 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/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

28.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No