

2024:PHHC:142251



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54224-2024
DECIDED ON: 29.10.2024

DHARAMPREET SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. M.S. Saini, Advocate for
Mr. Jaskamal Singh Grewal, 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.0080 dated 12.07.2024, under
Sections 118, 126(2), 115(2), 191(3), 190, 351(2) of BNS Act, 2023 and Section
118(1) added later on registered at Police Station Fatehgarh Sahib, District
Fatehgarh Sahib.

2. Facts

The Brief facts of the present case is that the present FIR was
registered on the statement of Kuldeep Singh son of Babu Singh on the allegations
that on 08.07.2024, Karnail Singh son of Ram Singh had called Sant Kanungo for

demarcation of his land. The complainant alongwith his father Babu Singh, his sister in law (Bhabhi) Sarabjit Kaur and opposite party Jinder Singh, Karnail Singh, Jarnail Singh, Baljit Singh, Darshan Kaur, Lovepreet Singh, Karamjit Kaur were present there. Dilpreet Singh lambardar, Harjinder Singh, Bhajan Singh were also present at the spot. At about 01:30 pm, Sant Kanungo after demarcating the land, when he started demarcation of passage, Lovepreet Singh started marking the tak on the land at 7 feet with spade. Babu Singh father of the complainant stopped him for doing so, then Karnail Singh gave blow with brick bat to Babu Singh which did not hit him. Babu Singh father of the complainant went to his house for taking his spade and when he reached at the door of house of Karnail Singh, he was encircled by Jinder Singh, Jarnail Singh and Karamjit Kaur. Karnail Singh, Darshan Kaur, Lovepreet Singh and Baljit Singh gave beatings/fist blows to the complainant and after that leaving behind the complainant, the above said persons started giving beatings to his father Babu Singh. When the complainant and his sister in law (Bhabhi) Sarabjit Kaur tried to save Babu Singh, then Karnail Singh gave fist blow on the back of Sarabjit Kaur. Babu Singh father of the complainant was taken inside his house and given beatings by the above said persons. People of the village saved Babu Singh from the clutches of the above said persons. Shamsheer Singh, brother of the complainant took Babu Singh and Sarabjit Kaur, his wife to Civil Hospital, Fatehgarh Sahib. The complainant was inside his house to receive his children from school van, then Dharampreet Singh son of Karnail Singh entered into his house and gave kirch blow upon the complainant, which hit on the right bicep of the complainant. The complainant raised alarm and applicant-accused Dharampreet Singh fled away from the spot alongwith his kirch.

3. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is unexplained delay of 4 days in lodging the FIR, as the alleged incident took place on 08.07.2024 and the FIR was got registered on 12.07.2024. He has drawn attention of this Court to the injury No.1, which is attributed to the present petitioner and has been declared simple in nature, though with the sharp edged weapon.

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, who prays for dismissal of the present petition on the ground that the alleged weapon has to be recovered from the petitioner for which his custodial interrogation is required.

4. Analysis & Decisions

Be that as it may, considering the fact that there is unexplained delay of four days and the injury No.1, which is attributed to the present petitioner has been declared simple in nature. However the contention of the learned State counsel with regard to recovery of weapon is concerned, the petitioner undertakes to join the investigation and co-operate with the Investigating Agency.

In view of the above, this Court does not find any reason to decline the present petition, hence the petitioner is directed to join the investigation within a period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to 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 does 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.

(SANDEEP MOUDGIL)
JUDGE

29.10.2024

Meenu

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