



CRM-M-56610-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-56610-2024
Decided on : 24.12.2024

Gurmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Kuldip Singh, Advocate for the complainant.

Mr. S.S. Gill, Sr. DAG-cum-Public Prosecutor, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 115(2), 117(2), 324(2), 304, 126(2), 3(5) of Bharatiya Nyaya Sanhita, in a case arising out of FIR No. 89, dated 27.09.2024, registered at Police Station Lakhosadar Jalalabad, District Fazilka.

2. On 13.11.2024, the following order was passed by this Court:

“ The present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.89 dated 27.09.2024 registered under Sections 115(2), 117(2), 324(2), 304, 126(2), 3(5) of BNS at Police Station Lakhosadar Jalalabad District Fazilka.

The counsel for the petitioner inter alia submits that the petitioner is falsely named in the FIR. That even otherwise only simple injury that to with a wooden stick is attributed to the present petitioner. The snatching of

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mobile phone and causing of grievous injuries are not attributed to the present petitioner, who is ready to join the investigation with the police.

Notice of motion.

Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of State of Punjab. He submits that the petitioner was member of unlawful assembly, which caused injuries to Sarabjit Singh and Saroj Rani and at the time of occurrence, co-accused Jagjit Singh caused grievous injury and also snatched two mobile phones belonging to the complainant and her sister-in-law. However, the State counsel has not disputed the fact that only simple injury is attributed to the present petitioner, who was armed with wooden stick. The State counsel, further apprised the Court that the petitioner is having no criminal antecedents. Mr. Kuldip Singh, Advocate appeared and filed his Power of Attorney on behalf of respondent No.2-complainant and the same is taken on record.

The present petition is resisted by the counsel for the petitioner and is also contested by the counsel for the complainant, who submit that co-accused Jagjit Singh, who caused grievous injury and also committed snatching, is a police official and is absconding.

In light of the fact that apparently only simple injuries are attributed to the present petitioner.

Now be listed on 28.11.2024.

In the meantime, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 482 (2) of BNSS.

In the meantime, SSP, Fazilka is directed to submit his affidavit to the effect as to whether co-accused Jagjit Singh-police official is attending his duty regularly or is absconding.”

3. Today, at the very outset learned counsel appearing on behalf of the complainant points out that the other connected case i.e. CRM-M-37834-2024, arising out of the same dispute, has already been sent to the Mediation and Conciliation Centre of this Court and there are chances that the dispute would be settled there as the parties are related to each other.

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4. Mr. S.S. Gill, Sr. DAG, Punjab, refers to the reply already filed and submits that in compliance of the order dated 13.11.2024, the petitioner has joined the investigation and his custodial interrogation is not required for the purpose of investigation.

5. Considering the totality of facts and circumstances detailed in the present petition, stand taken in the reply submitted by the respondent(s)/State, and also the fact that the petitioner and the complainant are closely related to each other, as also the fact that the petitioner has already joined the investigation, this Court deems it appropriate to allow the present petition. Accordingly, the ad-interim order dated 13.11.2024 is made absolute

6. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 482(2) of BNSS.

7. Petition is disposed of.

(SANJAY VASHISTH)
JUDGE

December 24, 2024*Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*