



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.56881 of 2024
Date of decision: 29.11.2024

SAKATAR SINGH AND OTHERS

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Veneet Sharma, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioners in case FIR No.183 dated 24.09.2024 registered under Sections 115(2), 118(1), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') (Section 118(2) of BNS added later on) at Police Station Kamboj, Amritsar Rural, District Amritsar.

2. Vide order dated 14.11.2024, passed by this Court, the petitioners were granted interim bail and was directed to join investigation. Order dated 14.11.2024, passed by this Court, reads as under:

"The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.183 dated 24.09.2024 registered under Sections 115(2), 118(1), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') (Section 118(2) of BNS added later on) at Police Station Kamboj, Amritsar Rural, District Amritsar.



As per the prosecution case, as on 17.09.2024 at about 9:40 pm, the complainant –Harmanpreet was present at the main gate of his colony when he came to know that a scuffle had taken place between his neighbour-Darpinder Singh with someone as the car of the former had collided with their two wheeler make activa. The complainant reached at the spot to pacify them and thereafter, Darpinder Singh went back to his house. In the meanwhile, 14-15 persons reached at the spot in some vehicles. They were armed with weapons. They intercepted the complainant and started hurling abuses to him. Then the accused Harpreet Singh@ Mam opened an assault upon the complainant by proclaiming that he should be taught a lesson for intervening in the matter. The petitioner No.1-Satkar Singh who was armed with iron rod, petitioner No.2-Simranpal Singh armed with baseball bat and petitioner No.3 Navtej Pal Singh armed with baseball bat caused injuries by their respective weapons on the person of the complainant. The other co-accused had also caused injuries to him and then they fled away on rescue alarm being raised by the complainant. He was rushed to the hospital and was provided treatment. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the present petitioners filed an application for pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 29.10.2024.



It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. It is a case of version and cross version as a cross case has been registered against the members of complainant party on complaint of accused Satnam Singh who had sustained injuries in the same incident. There is delay of 7 days in registration of FIR. No grievous injury had been attributed to the petitioners. The injury which has been declared to be grievous in nature found on the person of the victim has been attributed to the accused Harpreet Singh and not to the present petitioners. Co-accused Navtej Pal Singh and others, had already been extended benefit of pre-arrest bail vide order dated 22.10.2024 passed by this Court. They are ready to join the investigation. No useful purpose would be served by detaining them in custody. Therefore, it is urged that the petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter by submitting that the allegations against the petitioners are serious in nature as they formed membership of an unlawful assembly along with co-accused and in prosecution of common object of that unlawful assembly caused simple as well as grievous injuries on the person of the complainant. Therefore, it is urged that the petition does not deserve to be allowed.

Adjourned to 29.11.2024.



In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioners have joined investigation on 20.11.2024 and they are not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 14.11.2024, granting interim bail to the petitioners, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

29.11.2024

Jyoti-IV

(MANISHA BATRA)**JUDGE**

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No