

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58649-2024

DATE OF DECISION: 25.11.2024

RAJ SINGH @ RAJU

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.S. Sekhon, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief Sought**

This petition has been filed under Section 482 read with Section 528 Bharatiya Nagarik Suraksha Sanhita 2023(BNSS) praying for anticipatory bail in F.I.R. No. 21, dated 25.4.2024, under Sections 324/323/148/149- IPC, (Section 308-IPC added later on) registered at Police Station Amir Khas, District Fazilka.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Statement of Surinder Pal alias Surinder s/o Hari Chand r/o Chak Kathgarh alias Droga aged about 45 years M. NO. 9781223314 stated that I am a resident of the above address and agriculturist by profession. On 23.4.2024, I was making straw from the grain of wheat in my field and taking it to my home. It would be 9:45 PM when I sent the trolley full of straw to my house through my labour and I was riding on my motorcycle Paltina was approaching on the road from the field, then suddenly in front of me the motorcycle rider Raj Singh alias



Raju s/o Kashmir Singh r/o Dhani Nihanga Wali Dakhli Chak Kathgarh alias Droga came on and raised alarm that caught hold of him, he should not be spared. Meanwhile pillion rider Karan Singh s/o Laddu Singh r/o village Amir Khas, came down and gave me sword blow from reverse side which hit on left side of my head above forehead then Raj Singh @ Raju above gave me Kapa blow from reverse side which hit on the right side of my head. The light of my motorcycle was on at that time and I fell down, they inflicted injuries while I was lying on earth, I raised alarm MARTA-MARTA, meanwhile, my uncle Om Prakash s/o Lachhman Das and Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga who were coming to the village from Jalalabad city happened to hear my voice and came at spot. When they started to release me from the clutches of them, then Jasvir Singh alias Jassi s/o Balwant Singh armed with Kapa, Balwant Singh s/o Harnam Singh armed with Baseball, Manjit Singh s/o Bachan Singh armed with stick, Sona Singh s/o Kashmir Singh armed with Tregal(an agricultural instrument), Kashmir Singh s/o Uttar Singh armed with stick and 5/7 unidentified men who were holding weapons in their hands came and challenging them to catch them and let them taste the fun of scuffling with our boys. When he came forward to save them, all of them inflicted injuries upon person of my uncle Om Prakash too. All these persons are r/o Dhani Nihanga Wali Dakhli Chak Kathgarh alias Droga near my village. I can recognize these 5/7 unknown persons who were along with them when they appear before me. Then, seeing my family members and the villagers coming, all the people ran away with their weapons. Then Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga arranged a convenance for both of us and got admitted to Civil Hospital Jalalabad. Where the doctor referred us to Sri Guru Gobind Singh Medical College, Faridkot for advanced treatment, where we are getting treatment. The motive is that the road of our village is often occupied by robbers at night.

Because of this, they beat me. Scribed a statement to yourself. Found correct. Action should be taken. Signature in Punjabi Surinder Pal above, Affirmation Statement Signature in English Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga, Attestation Sukhdev Singh ASI PS Amir Khas, Dated 25.4.2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely roped in the present case which is version and cross-version wherein DDR was cross-version among the parties. He submits that according to the DDR No. 24 dated 26.04.2024 which was recorded on the statement of the co-accused namely Karan Singh against the complainant as simple injuries have been inflicted upon person of Karan Singh and his sister.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Gurmej Singh has fairly submitted that according to the Medico Legal Report, there is no declaration of injury alleged to have been caused by the petitioner that too right side of the head with Kapa.

4. Analysis

Be that as it may, on a specific query from the Court, there is no other incriminating material coming forth against the present petitioner which would necessitate the custodial interrogation, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same

so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

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 one week 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 does not comply with the aforesaid direction of joining the investigation



within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.11.2024
anuradha

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