



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

104

CRM-M-57646-2024

DATE OF DECISION: 20.11.2024

KISHAN LAL

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Mehak Arora, Advocate for
Mr. Anirudh Gupta, Advocate the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 73 dated 13.10.2024 registered under Sections 333, 61(2), 115(2), 118(1), 191(3), 190, 324(4), 324(5) of BNS, 2023 at P.S. Division D, District Police Commissionerate, Amritsar

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

‘First Information Contents (Attach separate sheet, if necessary) Statement of Davinder Kumar son of Sh. Ashok Kumar resident of House No. 60/08 Market Bags Katra Safed inner Lahori Gate Amritsar age 60 years mobile number 9872174339. Stated that I am a resident of the said address and running a shop named Ankit Jeweler in Guru Bazar. Date 11.10.2024 time around 08 hours I called my uncle's boy Kishan Lal son of Ramesh resident of back side Ashoka Bakery Katra Khajana that I asked him for the wire convertor gold and silver machine borrowed from me 2 years ago, he said that I have



already sold that machine, I told him to get me a new machine. Out of anger, Kishan Lal took an iron hammer from Sunny Junk Shop, which is a little near to our house, came inside our house and gave lalkara by calling my name and said to come down. I was coming down from the upper floor. He broke the name plate outside the house and threw it inside our house and when I came down he tried to hit me with a hammer and the neighbors came and took the hammer. My Sister in law called my son Ankit Dhunna and Karan Dhunna and her husband Harish Kumar on phone, my two sons and my brother came home, then Kishan Lal called his other colleagues Pawan Kumar son of Ramesh Kumar resident of Gali Pipian Wali Navi Sadak, Manav son of Kishan Lal resident of House No. 4200/04 Gali Gobind Khajana Gate Amritsar, Sunny son of Ashwani Kumar resident of Bazar Borian Lahori Gate Amritsar, Bholu son of Keemti Lal resident of Lahoriya Chida Chowk, Lucky resident of Inner Gate Bhagtanwala, Vijay Kumar son of Saidas resident of Gali Jammu Wali Namak Mandi were called by phone and in meantime Kishan Lal picked up the marble tile from outside the house and tried hit my son Ankit on the head with the intention of killing him wherein he put forward his right hand to defend himself and the tile hit him on the right side of the head due to which my son started bleeding. The above accused along with 8/9 other unidentified persons tried to break my door. I took my boy along with me and got the docket from the police station and got him admitted to Shri Guru Nanak Dev Hospital where my boy is undergoing treatment. Reason for the dispute is Kishan Lal took gold and silver wire convertor machine on loan which he did not return, so they came in anger and injured my son. Legal action should be taken against these above accused.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner

has been falsely implicated in the present case and it is a cross



complaint wherein the police authorities in connivance with the complainant lodged FIR whereas no action has been taken till date on complaint dated 11.10.2024. He submits that there is unexplained delay of 2 days in lodging the FIR as well as delay in medical examination. As per the allegations, the petitioner forcibly entered into the house of the complainant and caused damage to the number plate of house of the complainant and also attacked upon him and his son. He points out that the co-accused Pawan and Manav have been granted concession of interim protection by Sessions Court, Amritsar vide order dated 28.10.2024.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of anticipatory bail stating that there are serious allegations levelled against the present petitioner particularly intention to kill therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties particularly to the effect that nothing is to be recovered from the petitioner, there is unexplained delay of 2 days in lodging the FIR as well as delay in medical examination and the present case is a cross case, moreso, co-accused have been granted concession of interim protection by Sessions Court, Amritsar, 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

20.11.2024
anuradha

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