

2024:PHHC:152634



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57950-2024
DECIDED ON: 21.11.2024

ATAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka, 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.433 dated 26.10.2020, under
Sections 307, 341, 323, 506, 148, 149 of IPC registered at Police Station City
Barnala, District Barnala.

2. Prosecution story setup in the present case as per the version in the
FIR as under:-

*“First Information contents (Attach separate sheet, if necessary): Copy report,
"Report No.19 dated 9-10-2020 at 20:39 hours. At this time it is reported that 1
ASI alongwith companion after enquired of statement of Angrej Singh S/o
Gurmukh Singh R/o Patti Road Barnala from Arora Neuro Centre Ludhiana
came to Police station. I ASI enquired from doctor about fitness of Angrej Singh
about statement after the statement got entered the statement of Angrej Singh*

alias Gela S/o Gurmukh Singh cast Sikribadh R/o Street No.2 Patti road now (Sanghera Master Wali Gali) Barnala, age of 42 years (Mobile No. 70099-72870). It is stated that I am resident of above said address and married. I have two daughters and one son. They are studying. For my livelihood I have opened one Dhaba before bus stand Barnala. I close my Dhaba at 10 PM and return to my home on 7-10-2020 as per my daily routine. I was going on foot. My brother Jarnail Singh who is elder to me also work with me on Dhabha. He had gone past 10 months before me. When I reached in Sardar Handloom Street which adjoin the Patti Road street, and reached in vacant plot then from front side Amandeep Singh & alias Gola Singh son of Atar Singh resident of Supridenty Barnala, Sukhwant Singh @ Sukh alias Nihang S/o Avtar Singh R/o Supridenty Mohalla, Barnala Atar Singh son of Sh. Malawa Singh, R/o Guru Nanakpura Mohalla, Barnala, Gurdit Singh S/ Amar Singh resident of Amar Cycle stand in front of Bus stand Barnala, Gora Singh S/o Darshan Singh R/o Patti Road Barnala were coming. I recognised them in the street light fitted in the street. Among those Persons, Amandeep Singh alias Gola have Iron rode and all others were empty handed. They stopped me in the way and start abusing me and also start pushing me when I tried to run to save myself then Amandeep Singhir Gola gave a blow of iron rode on me which struck on the back on my head. I raised raula 'marta marta' and fell down on earth. The other persons gave foot blow on my person. -While I was lying on the earth. On listen the Raula of me my brother Jarnail Singh came there. On seeing him they left the place after abusing and threatening me. My brother Jarnail Singh nursed me and admitted me in Civil Hospital Barnala after arranging the vehicle. Doctor referred me to other Hospital for better treatment. My treatment is going on in Arora Neuro Centre at Ludhiana. The motive is that there Is a dispute about the partition of the house. Gurdit Singh above said and Gora Singh caused Injury to my brother Dara Singh. You stated my statement heard and found correct. Action to be taken against the Party. LTI Angrej Singh verified Gurdit Singh S/o Sant Singh R/o 22 Acre, H/no. 223 Barnala (93563- 89664). Police proceeding on 8-10-2020 one doctor ruga for Civil Hospital Barnala received that Injured Angrej Singh S/o Gurmukh Singh R/o Barnala admitted in Hospital with Injury. At this I ASI went to Hospital Barnala / I made application to know about the fitness of injured about making statement. The doctor opined that injured was referred. Today on telephone information received that injured Angrej Singh admitted in Arora Neuro Centre Ludhiana at this I ASI with PHG Raju 48078 for record to state of Angrej Singh reach at Arora Neuro centre Ludhiana. And opinion is taken about the fitness of injured about making statement. Doctor opined that injured is fit to make statement. I recorded the statement of Angrej Singh and read over to him and mark left thumb impression taken of its correctness. The statement of Angrej

Singh was verified by his father Gurmukh Singh. I attested the MR no. SD/09/OCT/2020/BNL date 7-10-2020 in which doctor for one injury with blunt weapon and kept X-ray mention on receipt of X-ray report the action will be taken. The statement is reported in DDR word by word. Jaswant Singh ASI bus stand Barnala 9-10-2020 in Arora Neuro Centre Ludhiana. Statement is recorded in DDR Police Station pm 8-10-2020 one doctor ruga received for Civil Hospital Barnala about admission of Injured Angrej Singh S/ o Gurmukh Singh R/o 22 acre House No. 223 Barnala was gone to Civil Hospital Barnala. Opinion was taken about the fitness of statement of Angrej Singh but doctor opined that the injured refer to the hospital. Then on telephone information received that injured Angrej Singh S/ o Gurmukh Singh admitted in Arora Neuro Centre Ludhiana at the on 9-10-2020 I ASI alongwith PHG Raju number 48078 went to Arora Neuro Centre Ludhiana for recording the statement about the fitness of injured for making the statement. The statement of Angrej Singh was recorded. It is endorsed in the DWL CCTNS City Barnala. I ASI take information about the nature of injuries of Angrej Singh for Arora Neuro Centre. Doctor opined the injury is dangerous to life. From the statement of Angrej Singh and MLR SD/09/OCT/2020/CH/BNL date 7.10.2020 is made out. Therefore the report no. 49 dated 9-10-2020 city Barnala for registration of case against Amandeep Singh Gela Sukhwinder Singh Alias Sukh S/o Avtar Singh resident of Supridenty Mohalla Barnala Attar Singh S/ o Malawa Singh, Gurdit Singh S/ o Amar Singh and Gora Singh S/o Darshan Singh resident of Barnala through Gursewak Singh 403 for registration of case, number of case be informed. Control room be informed through W/M of ASI along with Constable Gagandeep 735 Proceed to spot Sd/- Jaswinder Kumar ASI police post Bus stand Barnala. At 12:30 PM. On receipt of above said case against Amandeep Singh alias Gela S/o Avtar Singh, SUkhwinder Singh alias Sukha S/o Avtar Singh R/o Supridenty Mohalla Barnala Attar Singh S/o Malawa Singh Guru Nanakpura Mohalla Barnala, Gurdit Singh S/o Amar Singh R/o Amar Cycle Stand, Barnala, Gora Singh S/o Darshan Singh R/o Patti Road Barnala got register. Copy of FIR and special reports sent to officers. And Ilaga Magistrate through Sikander Singh 137 Original report alongwith Ruga FIR SC Gursewak Singh 403 to ASI Jaswinder Kumar 33/BNL PP through SC Constable 403. Control room Barnala is informed.”

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 no specific role whatsoever has been

attributed to him. He further submits that as per the version of the FIR, the injury attributed is to Amandeep Singh @ Gola on the backside of the head of the complainant and the petitioner was not present at the spot. It is contended on behalf of the petitioner that there is a delay of 19 days in lodging the instant FIR for which no explanation is coming forth by the prosecution.

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 there are serious allegations against the petitioner, therefore, his custodial interrogation is required. He could not produce any incriminating material to connect the petitioner with the commissioning of offence.

4. Analysis & Decision

Be that as it may, having given a considerable thought to the submissions especially the fact that there is an unexplained delay of 19 days in lodging the FIR and no injury is inflicted by the petitioner and no incriminating material is available with the prosecution to connect the petitioner with the commissioning of offence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned

within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners 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 petitioners do 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

21.11.2024

Meenu

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