



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57656-2024
DECIDED ON: 19.11.2024

RAMPARKASH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karmanbir Singh Kharbanda, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Angrej Singh, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in DDR No./G.D. No.41, dated 13.07.2024, under Sections 126(2), 118(1), 115(2), 351(2), 296, 191(3), 190 of BNS, 2023, in case arising out of FIR No.134, dated 13.07.2024, under Sections 115(2), 126(2), 351(2), 191(3), 190 of BNS, 2023, registered at Police Station Mandi Gobindgarh.

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

“Copy of statement, "Statement of Vipran Kumar son of Anil Chopra resident of Ajnali Police Station Mandi Gobindgarh District Fatehgarh Sahib aged 23 years,

Phone Number 75082-46428, stated that I am a resident of the above said address, working as a laborer. I performed love marriage with Simran Kaur daughter Sewa Singh resident of village Ajnali on 16-04-2024. I along with my wife are living in a rented house at Mandi Gobindgat, yesterday on 11.07.2024 I was going with my wife to meet my family at village Ajnali, when I reached D-Mart Mandi Gobinddar the time was around 07:00PM, Sandeep Singh son of Avtar Singh, Manpreet Singh son of Karnail Singh from village Ajnali surrounded my motorcycle from the front, by surrounding me started abusing me and Manpreet Singh held a sharp object in his hand and hit my right arm above elbow. When my wife came to rescue, these men started beating her too. When I shouted, they ran away with weapons from the spot. Then I reached my house at Ajnali along with my wife and narrated the entire incident at home, where my uncle Tilak Raj came, when he was coming then Sewa Singh son of Gurdev Singh abused my uncle, after this entire incident happened, when my second Uncle Ravi Chopra started coming towards our house, then Manpreet Singh son of Karnail Singh, Sewa Singh son of Gurdev Singh, Sandeep Singh son of Avtar Singh, Lovepreet Singh son of Tara Singh, Sati son of Jarnail Singh, Jarnail Singh, Karnail Singh sons of Gurdev Singh, Avtar Singh alias Ghoti son of Gurdev Singh armed with Stick, Sota and other weapons in their hands came, they surrounded my uncle and started beating him, so we ran out to save him. Then together, these people beat me and my family and my wife and hit me with bricks and hit my sister-in-law Jyoti, who is pregnant, also kicked her in the stomach. The main reason of this grudge is that I performed Court marriage with Simran Kaur daughter of Sewa Singh, who is major. Due to

which they have anger in their hearts. Then we got admitted in Civil Hospital Mandi Gobindgarh for treatment, from where we were referred to Rajindra Hospital Patiala and today I took leave from Rajindra Hospital Patiala and am coming to police station Mandi Gobindgarh for recording statement, then you met me at the gate of Police Station. I wrote a statement to you, heard, it is correct. The legal action may kindly be taken against the above said accused as per law. Applicant sd/- Vipin, verified sd/-Jagdeep Singh ASI Police Station Gobindgarh dated 13.07.2024.”

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that it is a case of version and cross-version for an occurrence alleged to have taken place on 11.07.2024 at about 07:00 p.m. and for which firstly an FIR No.134 dated 13.07.2024 was registered at Police Station Mandi Gobindgarh by the petitioners' family and thereafter a cross DDR/G.D. No.41 dated 13.07.2024 came to be registered with the same police station against the petitioners and their family members. He would further argue that neither any specific role nor any injury has been attributed to the present petitioners in the current DDR and the whole occurrence is recorded in the CCTV footage which goes on the prove that at the time of alleged occurrence i.e. 9:37 p.m. as averred in the present DDR, petitioner No.2 namely Pardeep Chopra was not present in the showroom, which totally falsify the stand taken by the State.

On behalf of the State/complainant

Learned State Counsel appearing on advance notice, assisted by learned counsel for the complainant, who has filed Memorandum of

Appearance today in Court, which is taken on record and on instructions from ASI Jaspal Singh, could not controvert the above said arguments raised on behalf of the petitioners.

4. **Analysis**

Be that as it may, considering the fact that it is a case of version and cross-version in addition to the fact that learned State counsel does not controvert the submissions made by learned counsel for the petitioners particularly the role assigned as no overt act or any injury to the petitioners has been pointed out which makes it clear that the custodial interrogation of the petitioners is not at all deemed necessary at this stage.

5. **Decision**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

19.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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