



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57821-2024
DECIDED ON: 20.11.2024

SOURAV

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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 petitioner in FIR No.20, dated 24.03.2024, under Sections 307, 323, 324, 148, 149 IPC (Later on added Section 326 IPC), registered at Police Station Bhargo Camp, District Jalandhar.

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

“Statement of Vikram alias Vicky son of Sewaram resident of house number 50/1 mohalla Sant Nagar Mangu Basti Jalandhar aged about 28 years mobile number 9041575704. It is stated that I am resident of above noted address and does the work on cloth shop at gudmandi Jalandhar. On

21.3.2024 at about 5:30 my uncle son mintu went to Beli Halwai Shop Bhargo Camp, Jalandhar to buy Parshad, who called on my phone that he has been covered by 1. Jhumru alias Sandeep Kalyan s/o Pappu Jhajju t/o Sant Nagar, near Handa Diary, Jalandhar. 2. Gora Bhoora s/o Satpal t/o Bhargo Camp Jalandhar. 3. Rahul s/ Balwinder Kumar r/o Kartar Nagar Jalandhar and his brother 4. Saurav s/o Balwinder Kumar, 5. Gullu Gori r/o Bhargo Camp Jalandhar. 6. Maddi r/o Bank Side Bhargo Camp PS Jalandhar and 4-5 unknown persons and started giving beatings to me. On which, I, Shanti Haveli and my uncle Bahadur reached Tahni Wala Chownk Bhargo Camp and all the persons were carrying Daatar, who were beating my uncle's son Mintu with Daatar and when we reached near, Jhumru hit my head with his Daatar which hit my head in the center and . blood started oozing out and second hit was given by Rahul on my head with his Daatar, which also hit my head, third blow of daatar was given by Jhumroo on my head and to save myself my left hand was brought forward and daatar hit my little finger of my left hand. And then Gulu Gori hit my SUBASH no one head with his Daatar, which also hit my head. And I fell down and then Gora Bhoora s/o Satpal r/o Bhargo Camp hit my back with his Daatar which hit my back and then Maddi r/o Bhargo Camp hit my back with his daatar which hit my back on the left side, due to which I got bloody. They also hit my uncle's son with Daatars and also injured them and then me and my companions raised alarm Maar Dita Maar Dita, then all these accused fled away on seeing

the public. They with the intention to kill have hit us with sharp weapons. Legal action may kindly taken against them. Statement has been written, heard and found correct. Sd/- Vikram Sd/-Raghuvir Singh ASI.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as the complainant had a previous enmity with the petitioner. He further contends that at the time of alleged occurrence, the petitioner was not present at the spot as is evident from Annexures P-2 and P-3. He further contends that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner was carrying datar in his hand and caused injury to one Shanty but is not in a position to controvert the photographs (Annexures P-2 & P-3) after having countered the police official assisting him in Court.

4. **Analysis**

Be that as it may, considering the fact that the State counsel cannot dispute the photographs (Annexures P-2 & P-3), which unequivocally establish the petitioner's absence at the spot at the time of the alleged incident, which suggests a prima facie case of false implication, the petitioner deserves the concession of anticipatory bail at this stage as no

incriminating material has been put forth by the prosecution to connect the petitioner with the alleged offence.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his 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 petitioner 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 petitioner does not comply with the aforesaid directions 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.

20.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No