

2024:PHHC:159776



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58882-2024
DECIDED ON: 02.12.2024

PARVEJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankit Joshi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.148, dated 26.09.2024, under Sections 125, 115(2) of BNS, 2023 and Section 25 & 27 of Arms Act, 1959, registered at Police Station Talwandi Sabo, Bathinda.

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

“Duplicate statement, "I, Kala Singh son of Mala Singh son of Mela Singh resident of Chek Side Nagar Panchayat Office Talwandi age is about 27 years Mob. 98724-55036 stated that I am resident of the above address. Today I and Kulwinder Singh are doing hard labor work. Sh. Sadhu Singh was going to his home on Nag Road on Nag Road near Sansar Convent School. In PB10-FD-8001, I also hit the vehicle, the driver abused me and stopped the vehicle before going to Balaji Fashion House. Hit glass broke on my right arm and right arm, but when I felt it, I

got to know the driver's name, Pravej Singh, a resident of Manjal, who got out of the vehicle and left a pistol in his pocket and fired in the air. Me and my friend Kulwinder Singh Panj went to Mecca on a motorcycle and Pravej Singh also fled to Mecca by riding his vehicle Fortuner, then my friend Jinder Singh admitted me to Civil Hospital Talwandi Sabo. Mobha treatment is going on there. To make Shiv hai winithibfor gave read heard ok right/-Kala Singh the said picture right-darshan singh ASI police station Talwandi Sabo date 25-09-2024 action police today arrived from National Civil Hospital Talwandi Sabo in Mosul that Kala Singh son bad Singh resident of Talwandi is admitted CH Talwandi Sa due to injuries. Investigation officer for action Belonim Way Bajri Samaj S/CT2105C56PG Keen 22386 CH Navavampi MLR No. ASS/216/TS/24 02Tson He X-RAY Apte Uruiwat Sahib wrote a letter to Majruth to give a statement and reached the band of Majroop Kala Singh and read it in writing and read it out. MLR Team 125,115(2) BNS 25,24/54/59 ARMS ACTta First Nadhisridhani PHG Konthi 22386 Ribha Round Be informed of Mubandma. DCR but notice should be given Duplicate FIR sent to the service of District Magistrate Sahib and Officer Bala ji from the lips of friends including ASI CHAT:-11:50 PM, Me/with ASI Tauso Bhidi 25-09-2024 se muh chat dhav bhuvarbhavit tha mudab the said conflict The native has been registered and the completion is being recorded. Duplicate FiRs are being sent to the service of Hon'ble District Magistrate Sahib and Officers Bala. An opportunity is being sent to PHG Gurmej Singh 22386 by passing the copy of the original statement to ASI Darshan Singh 1630/Bathinda. DCR is being notified.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case. He further submits that there is no independent witness to corroborate the version as narrated in the FIR, whereas the registration of instant case is based on false and concoction story resulting out of the matrimonial discord between the daughter of petitioner and son of the complainant.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and seeks dismissal of the instant petition on the ground that the

petitioner has given gun shot fire at a public place and unfortunately nobody was injured, but could not corroborate the stand of the prosecution by any incriminating material against the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions especially to the fact that the present case revolves around the matrimonial discord between the daughter of the petitioner and son of the complainant and prima facie no incriminating material is available with the prosecution to connect the petitioner with the commissioning of offence, I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. **Decision**

Hence, 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 438(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 437, 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 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.

02.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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