

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-59640-2024

DATE OF DECISION: 29.11.2024

MANJINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gulshan Kumar, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 49 dated 23.07.2024 under Sections 125, 304, 351(2), 61 of BNS and under Section 25/27 of Arms Act registered at P.S. Verka, Police Commissionerate, District Amritsar, Punjab.

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

'Statement of Lamjot Singh @ Kaka son of Mangal Singh resident of Near Suaa, Indra Colony, Verka, Tehsil & District Amritsar, aged about 26 years, Mob. 98774- 54853, stated that I am resident of above said address and I have a work of catering in the marriage parties. Today at about 10:15 PM in the night, I was present at my house then I received a Phone from Mob. No. 86998- 61202 on my Mobile No. & he said to me that I am speaking Manjinder Singh from your Mohalla and he said to me to come at Ranjit Avenue and I told him that I cannot come there, he again said to me that then you come at Verka By Pass



and I said to him that I can only come out in front of my house. When I came out of my house in the main street, then I saw that 5 young person came out from two different cars, out of which one was swift color white and the other was Honda Amaze Color white. Manjinder Singh S/o Bir Singh R/o Indra Colony, Verka armed with pistol, Sony R/o Bagge wali patti, Verka, Amritsar armed with pistol and Shera R/o Indra Colony, Verka Amritsar armed with pistol and two unknown persons who remain seated in the car. Sony and Shera fired 3-4 rounds in the air just to threaten to me and Sony caught me hold from my neck and snatched my one tola gold chain and both Sony and Shera alongwith their weapon while giving threatening to me fled away from the spot by their two cars. Manjinder Singh handed over his pistol to his neighbor Major Singh and after locking his house he alongwith his family went away by his Innova car color golden. The reason behind the occurrence is that on dated 20.07.2024 I had an altercation with Manjinder Singh on some issue and Manjinder Singh said that I will see you later. Legal action may kindly be taken.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner urges that the petitioner is attributed with the role of firing the gunshot in the air and thereafter, fled away in car. He further urges that no valid motive is coming forth for the commissioning of alleged offence. Moreover, the matter has been settled between them as the parties have entered into compromise dated 20.07.2024 and in this regard a petition bearing No. CRM-M-46678-2024 for quashing of the FIR in question has also been filed before this Court and in that petition, the Court has already directed the Illaqa Magistrate/Trial Court to record the statements of the parties



regarding compromise and the same is pending before the Court for 16.12.2024.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that there are allegations of snatching chain after firing gun shot against the petitioner but could not controvert the submissions made by counsel for the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, and keeping in view the facts that the allegations of snatching and firing gun shots are against co-accused and no other incriminating material has been produced by the State Counsel added with the fact that the matter has been settled between the parties and in pursuance of the same, quashing petition has also been preferred by the parties for quashing of the FIR on the basis of compromise, this Court finds no reason to deny the petitioner the concession of anticipatory bail.

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

29.11.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

