



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

144

CRM-M-60162-2024
DATE OF DECISION: 02.12.2024

KRISHANA ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manvender Chauhan, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 65 dated 15.09.2024 under Sections 109, 115(2), 351(2), 191(3), 190 of BNS, 2023 registered at P.S. Lo hian, District Jalandhar, Punjab.

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

‘Statement of Gurpreet Singh son of Gurdeep Singh resident of village Wada Kali Raun police station Makhu district Ferozepur, Age about 18 years M. No: 98558-02245, stated that I am a resident of the said address and from last 6 months, I have been working as a welder in the welding workshop of sonu, resident of Lohian, near railway crossing Lohian and every morning use to take private bus from Adda Kussuwala turn and go to Lohian for my work at workshop. Yesterday on 13-09-24 I was coming to Lohian by GNT bus at around 8:20 AM and from the same station Krishna D/o Lakhwinder Singh resident of



MandirKalan also boarded the bus with me and during travel we had an argument over sitting in the bus, which was settled by the passenger sitting in the bus. Today on 14-9-24 at around 8:20 AM, Me and my cousin namely Jaswinder Singh S/o Balkar Singh boarded the GNT private bus for Lohianand in the same bus girl named Krishna was already sitting and upon seeing me and she made call to her house and told that the boy who was fighting with me in the bus yesterday on 13-9-24 is still sitting in the bus to go to Lohian. When the bus reached Sultanpur Lodhi Chowk Lohia, the time was around 8:50 AM, Me and my cousin Jaswinder Singh started getting off from the bus, then brother of said girl Krishna namely Gurwinder Singh son of Lakhwinder Singh armed with Dattar resident of Mandir Kalan, Vishal son of Balkar Singh armed with Dattar, Arsh son of Joga Singh armed with Dattar and Arsh son of Mita armed with Baseball resident of Dipewal Police Station Sultanpur Lodhi and 2/3 other unknown persons came there, then upon seeing them Krishna raised her voice by saying catch him he is the same boy who had a fight with me yesterday in the bus, then Gurwinder Singh hit me with the back side of dattar in his hand with the intention of kill, which hit my head, then Vishal hit me with datter in his hand. I put forward my left hand to protect myself, which hit on my left hand, then Arsh son of Joga hit me with datter in his hand which hit on my waist and I fell on the ground, then Arshson of Mita and other unknown persons gave injuries to me then I shouted that I have killed, many people gathered from bus stand, then all of the assailants ran away with their respective weapons. My cousin Jaswinder Singh arranged a vehicle and took me to Hemkund Hospital Lohian for treatment where the doctor bandaged me and referred me to Civil Hospital Lohian. When I and my cousin reached CHC Lohian, Doctor prepared my medical certificate and referred me to Civil Hospital Jalandhar. I and my cousin reached Civil Hospital Jalandhar, then doctor due to my critical condition referred me to Guru Nanak Medical



College, Amritsar, where I am currently undergoing treatment. The motive behind the same is that I had a minor quarrel with the girl namely Krishna in the bus on 13-9-24 due to that the said person gave injuries to me. Appropriate legal action should be taken against them. I have given this statement in the presence of my cousin Jassa Singh S/o Balkar Singh. LTI/-Gurpreet Singh, certified true/-Jassa Singh S/o Balkar Singh, verified true/-Prem Lal SI, PS Lehia, dated 14.09.2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case by the complainant due to some personal grudge. He submits that the petitioner has not attributed any injury and rather the injuries suffered by the complainant are given by co-accused which are declared to be blunt in nature. He further submits that co-accused Arsh @ Arshdeep has already been granted interim anticipatory bail by this Court vide order dated 18.10.2024 passed in CRM-M-51619-2024.

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 lalkara was raised by the present petitioner and it was on her invocation, co-accused gave injuries to the complainant, therefore prays for dismissal of the present petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to



the submissions as made, by the counsel for both the parties, particularly to the effect that no injury has been attributed to the present petitioner, no incriminating material is produced by the State Counsel for commissioning of offence under Sections mentioned above except that lalkara was raised by the petitioner, moreover, the co-accused has been granted concession of interim anticipatory bail, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

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 her 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

02.12.2024
anuradha

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