

2024:PHHC:159777



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60033-2024
DECIDED ON: 02.12.2024

PRINCE

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dinesh Trehan, Advocate
for the petitioner.

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.100, dated 24.09.2024, under Sections 109/351(2)/191(3)/190 of BNS 2023 and Sections 25/27 of Arms Act, 1959 (Section 103 of BNS added later on), registered at Police Station Cantt, Ferozepur, District Ferozepur.

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

“Statement of Kiranpreet Singh son of Mandeep Singh son of Nirmal Singh resident of village Ferozeshah, aged about 16 years, Mobile No. 73473-67007, stated that I am resident of above given address and I am studying 10+1 at Guru Nanak Senior Secondary School at village Shakoor. Today my friend Chahatpreet

Singh son of Gurpreet Singh resident of village Ferozeshah told to me and Jaspreet Singh son of Jagtar Singh resident of village Shahijadi that I have altercation on 21.09.24 on some matter with the boy Manohar Lal of my Senior Secondary School, some matter, who is studying with me in 10th class. Akashdeep and Laksh are threatened me that we beaten you. Today, You come with me to my school at Ferozepur. Upon this I and Chahatpreet Singh and Jaspreet Singh alongwith him came outside his school, at that time the children were leaving from the school. On the gate of school we met with Ashish Kumar son of Rajinder Kumar resident of Chamrang Mandi Basti Tainka Wali, Ferozepur, then we all by riding on the motorcycles were going towards Bus Stand Ferozepur via Yateemkhana chowk then the time will be 1:00 PM, went towards one killa from Yateemkhana Chowk towards Bus Stand then 5/6 young boys came from our village on 02 motorcycles, who were holding kirpans, kapas and dangs in their hands stopped us by parties their motorcycle in front of our motorcycle, out of them I know 2 boys and I have met them many time before. Out of them one namely Akashdeep son of Gora resident of Bajidpur and second named Laksh son of Surinder Kumar esident of Chungi No. 08, Nawan Purba Satiye Wala, Ferozepur and 4 there were other 4 unidentified persons. That Lakh inflicted his kappa blow on the head of Chahatpreet Singh with an intention to kill him, which hit on right side of his head and Akashdeep inflicted his rod blow on the head of Chahatpreet Singh with an intention to kill hi, which hit on his head and the unidentified persons came with them, who were 22/23 years old, they had affixed the punch in their fingers gave blow towards my friend Chahatpreet, which hit on his right eye and the young persons came with them they were 20/21 years old, he took out the pistol from his dub and scared us, then due to fear we turned a little away and we raised raula in a loud voice "Maarta-Maarta", on hearing of raula the people started gathered there, on seeing the gathering of people, they all alongwith their respective weapons ran away from the spot by left one motorcycle, by riding 3 persons at one motorcycle and 3 persons ran away on foot towards the bushes. Thereafter we after arranging the vehicle got admitted our friend Chahatpreet Singh in the Civil Hospita, Ferozepur, for treatment, where doctor by giving first aid to my friend Chahatpreet Singh referred him to Guru Gobind Singh Medical Hospital, Faridkot, but due to his condition very deteriorated got him admitted at Anil Bagi Hospital, Ferozepur, where my friend Chahatpreet Singh is under treatment and due to causing serious injuries is in unconscious condition. The reason of grudge is that some days earlier my friend Chahatpreet Singh had a scuffle with Akashdeep Singh, due to which they in connivance with their colleagues have caused in juries to my friend Chahatpreet Singh with an intention to kill him. Appropriate stern action be taken against them. Above Chahatpreet Singh have recorded his statement in presence of his father Gurpreet Singh, heard, which is correct. Sd/-

Kiranpreet. Singh above in presence of Sd/- Gurpreet Singh (Chahatpreet Singh's father) Attested Sd/- Salwinder Singh ASI P.S. Cant. Ferozepur dated 24.09.24. Police Proceeding: - Today one telephone call was received that a fight took place near Yateemkhana Chowk. In which one young person have caused many injuries, police party be sent for taking action. Upon this myself ASI alongwith ASI Pippal Singh 1291/EZR, SCT Surjitpal 229/FZR, CT Jaskaran Singh 23/FZR, PHG Surat Singh 22792, PHG Harjit Singh 5654 in a government vehicle bearing No. PB05V3531, whose driver is PHG Gurpreet Singh 117309, for taking action reached at the spot, where the people said that the injured young boy have been taken to Civil Hospital, Ferozepur. Upon this myself ASI alongwith fellow employees reached at Civil Hospital, Ferozepur, where doctor received ruga number 1557 dated 24.09.24 of Chahatpreet Singh son of Gurpreet Singh resident of village Ferozepur and doctor told that above injured Chahatpreet Singh have been referred to Guru Gobind Singh Medical Hospital, Faridkot. Then myself ASI received a telephone that above Chahatpreet Singh is admitted at Anil Bagi Hospital, for treatment. Upon this myself ASI alongwith fellow employees reached at Anil Bagi Hospital, Ferozepur. Where Kiranpreet Singh son of Nirmal Singh resident of Ferozepurshah alongwith Gurpreet Singh son of Babu Singh resident of Ferozeshah were met present. Where above Kiranpreet Singh got recorded his above statement. According to his speech it was written word by word and read over and understand. Who after acknowledging it to be correct put his signature in English under his statement and statement verified by Gurpreet Singh (Father of Chahatpreet Singh). Which was verified by me. From the statement and MR offence under section 109, 351(2), 191 (3), 190 BNS and 25, 27/54/59 Arms Act is made out. For registration of case against Akashdeep son of Gora resident of Bajidpur and Laksh son of Surinder Kumar resident of Chungi No. 08, Nawan Purba Satie Wala Ferozepur and 4 unidentified persons is being sent to the Police Station through P.H.G. Surat Singh 22797. After registration of the case, cas number be intimated. Myself ASI am busy in the investigation. P.C.R. be informed. Special Reports be prepared. Today in the area Anil Bagi Hospital Ferozepur At: 08:10 PM Sd/- Balwinder Singh ASI P.S. Cantt. Ferozepur dated 06.09.2024. Today on receipt of statement at Police Station, above case on above offences by registering the case at CCTNS against Akashdeep son of Gora resident of Bajidpur and Laksh son of Surinder Kumar resident of Chungi No. 08, Nawan Purba Satie Wala Ferozepur and 4 unidentified yough persons, copy of FIR alongwith statement is being sent to ASI at the spot through PHG special messenger. By issuing the special reports are being sent to the Illaga Magistrate and Senior Officers by hand through S/CT Jasvir Singh 1186/Ferozepur. PCR is being informed through wireless message.”

3. Contention**On behalf of the petitioner**

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR but later on was nominated on the basis of disclosure statement of co-accused Laksh. He further submits that there is unexplained delay of 6 days, as the alleged incident took place on 24.09.2024 and the FIR was got registered on 01.10.2024. It is contended on behalf of the petitioner that no role whatsoever has been attributed to him.

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 allegations against the petitioner are serious in nature, but could not put forth any material to connect him with the alleged commissioning of offence.

4. Analysis

Be that as it may, having given a considerable thought to the submissions especially the fact that there is an unexplained delay of 6 days in lodging the instant FIR as the incident took place on 24.09.2024 and the instant FIR has been registered on 01.10.2024, and the petitioner is not a habitual offender as he is not involved in any other case, 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 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 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>