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2024:PHHC:160699



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60585-2024
DECIDED ON: 03.12.2024

NIRMAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Aggarwal, 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 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.85, dated 19.08.2024, under Sections 331(6), 115(2), 191(3), 190 of BNS, 2023, registered at Police Station Sangat, Bathinda, District Bathinda.

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

“A Statement of Jarnail Singh son of Mukhtiar Singh, resident of Village Mohala, aged about 60 years, Mob No. 72932-94000, stated that I am resident of above address and doing the work of tailoring in the home itself. We are four brothers. The eldest brother Karnail Singh has already died and he was unmarried and we other three brothers are married and are having families. We are residing separately in our separate house. On 17.08.2024 time at about 9:00 PM we after having our dinner were lying and then my brother Sukhdev Singh who was having Gandasa, my nephew Nirmal Singh who was having Kirpan and Balkaran Singh son of Patlu

Singh of our village who was also having Kirpan and other 4-5 persons who were having sticks entered our house and then Nirmal Singh raised Lalkara saying "let they be taught a lesson for dividing a house" then he gave a Kirpan blow towards me which hit on the back side of my head and my brother Sukhdev Singh gave me a blow with Gandasa which hit on the left side of my ribs and Balkaran gave slaps to my daughter Sarabjeet Kaur. On hearing our noise, my brother Gurjant Singh came to our house and tried to rescue us then they also gave injuries to my brother Gurjant Singh. We raised alarm killed- killed. then on seeing the neighborhood gathering there, they all ran away with their weapons on Varna car. Thereafter I and my brother Gurjant Singh were got admitted at government hospital Bathinda by my son Sukhchain Singh and my nephew Gurpreet Singh, after making arrangements for vehicle. Due to multiple injuries on my brother Gurjant Singh he was referred to AIIMS Hospital Bathinda where he is under treatment. I am under treatment at government hospital Bathinda. The cause of dispute is that our dispute regarding partition of house is going on and in this regard the Panchayat was also convened which fixed the date 18.08.2024 but the aforesaid persons in connivance with each other entered our house and caused injuries to me and my brother Gurjant Singh. I have got my statement recorded which is heard and the same is correct. Action may be taken. SD/- Jarnail Singh."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that a compromise has been effected between the petitioner, the complainant and the injured parties as is evident from Annexure P-2 which is a Panchayati compromise. He further contends that the petitioner is a man of clean antecedents as he is not involved in any other case. It has been contended on behalf of the petitioner that the alleged offences, except for the offence punishable under Section 331(6) of BNS, 2023 are bailable in nature. It has been further

contended that the custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

On behalf of the State

Learned State Counsel appearing on advance notice, does not controvert the aforesaid fact but opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner being member of unlawful assembly inflicted grievous injuries on the persons of the complainant as well as injured.

4. Analysis

Be that as it may, considering the fact that a compromise has been entered into between the petitioner, the complainant and the injured, as is evident from Annexure P-2 and taking note of the fact that the petitioner is not a habitual offender as he is not involved in any other case as has been averred by learned counsel for the petitioner, additionally the custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

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 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.

03.12.2024

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*