



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61271-2024
DECIDED ON: 09.12.2024

LAKHWINDER SINGH ALIAS LADDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka, 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 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.186, dated 08.11.2024, under Sections 115(2), 118(1) of BNS, 2023, registered at Police Station Canal Colony, District Bathinda.

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

“Copy of statement, Statement of Simranjit Singh son of Sh. Niranjan Singh, R/O Street No. 36 Parasram Nagar, Bathinda age About 26 years, mobile number: 78149-10188, states that I am resident of the above address and doing private job. On dated 05:10:2024 at about 06:00 pm in the evening on that I was going from Gali No. 11, Dhillon Colony nearby my Massi's house for taking vegetables towards my house When I was going to my

house near Shanti Devi Hospital then I reached the house of the Laddi where the Laddi standing in front of his house, who stopped my scooter by giving stop signal when I stopped my scooter, he asked me if there is any doubt in your mind so get it out of your mind I went from there. After this I came home and told all this to my mother. When my mother went to Ladi's house to lodge the grudge, there Laddi and his brother gave abuses to my mother. So I also followed my mother and I stopped my motorcycle and was standing in the street. Then there was standing Sita and Laddi they also holding soties and Kirpans in their hands, then there was Laddi hold kirpan in his hand which he gave Kirpan blow on my backside I fell down on the ground while I was fell down then Sita gave blow with Soti and they gave soti and leg blow on my stomach then I raised raula of marta marta then there was gathering of the peoples then they both of brothers ran away from the spot along with their respective weapons and my friend arranging the vehicle and got me admitted in the civil hospital Bathinda where I am under treatment. Motive is that about one year ago our minor dispute has been arose between Sita that the dispute regarding the car was going fast speed in the street, due to that reason they gave injuries to me. Due to talks of compromise between both of us I do not want to take any action against them request given by phone, but there is no compromise has been effected between us till time. So the strict legal action may kindly be taken against Ladwinder Singh @ Laddi son of Kamaljit Singh and Sita son of Kamaljit Singh, residents of Gali No. 37/1, Paras Ram Nagar, Bathinda. Sd/- Simranjit Singh, further attested by Jaswant Singh ASI Police station Canal Colony, Bathinda dated 08.11.2024.”

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

Learned counsel for the petitioner contends that there is an inordinate delay of more than one month in lodging the instant FIR as the alleged occurrence took place on 05.10.2024 and the instant FIR has been registered on 08.11.2024. He further contends that the complainant was in conscious position and quite able to give statement but subsequently merely as an afterthought, an attempt has been made to implicate large number of persons including the petitioner. It has been further argued that even as per the narrated version of the FIR, the petitioner is stated to be carrying kirpan but according to the medico legal report, injury on the person of the complainant is admittedly on non-vital part which has been declared grievous in nature.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Iqbal Singh would though submit that there are two injuries on the person of the complainant, wherein injury No.1 is with sharp edged weapon and injury No.2 has been caused with a blunt weapon. Mr. Guru would further submit that in fact the nature of injury has not yet been verified and recorded since, opinion of the Doctors after examination of X-ray (radiological report) is still awaited. Though he submits that the injury attributed to the petitioner is on the upper back somewhere around the shoulder and could not controvert the fact that the said injury is on the non-vital part whereas another injury has been attributed to the co-accused, which is located on the complainant's stomach.

4. **Analysis**

Be that as it may, looking into the totality of facts and circumstance wherein injury has not yet been defined either grievous or dangerous to life which has been attributed to the petitioner added with the fact that there is a delay of more than one month in lodging the instant FIR from the date of occurrence added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer, this Court does not find it a case for concluding that the petitioner's custodial interrogation is necessary.

Even otherwise, learned State counsel also could not press upon for custodial interrogation of the petitioner.

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.

09.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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