



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61536-2024
DECIDED ON: 09.12.2024

HARDEV SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.D. Sharma, Advocate and
Mr. Sanjay Jangra, 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.197, dated 29.10.2024, under Sections 109, 115(2), 118(2), 126(2), 324(4), 351(2), 190, 191(3) of BNS, 2023, registered at Police Station Sadar Nabha, District Patiala.

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

“At that time, one Statement of Amarinder Singh son of Narinder Singh resident of village Narmana Tehsil Nabha, District Patiala aged about 24 years. Mobile No. 99885-75251 written by ASI Rajinder Singh 490/Patiala Police Station Sadar Nabha for registration case against Sukhdeep Singh alias Sukha son of Satgur Singh, Binder

Singh son of Hardev Singh, Jagjit Singh alias Jaggi son of Hardev Singh, Hardev Singh son of Piara Singh residents of village Narmana and against 10-12 unknown persons received at Police Station through PHG Raj Singh 17976, which reads as follows: Statement of Amarinder Singh son of Narinder Singh resident of Village Narmana Tehsil Nabha District Patiala aged about 24 years. Mobile No. 99885-75251. Stated that I am the resident of above said address and I am an agriculturist and I and my uncle Kiran Singh resident of Narmana were working in our fields yesterday on 28.10.2024 at about 2.30PM. After sowing the wheat crop we were returning home on our tractor John Dere 5210 Color Green. In the meantime, when we reached the passage going towards the fields of Bahadur Singh, then a maruti car bearing No. PB-29G-8187 color white came from the front which was being driven by Sukhdeep Singh alias Sukha son of Satgur Singh resident of Narmana and five other persons were sitting in this car and another car I-20 Color White was being driven by an unknown person and I don't know about its number and a motorcycle CT-100 color Red on which three boys were sitting with sticks and Kirpans in their hands and in I-20 Car 6 persons were sitting and they all stopped their vehicles in front of our tractor and encircle us. Sukhdeep Singh came out of the car and he was carrying an iron rod, while Binder Singh son of Hardev Singh resident of Narmana was carrying an iron handle. He also came out of above said maruti car and Jagjit Singh alias Jaggi son of Hardev Singh resident of Narmana also came out of the Maruti Car and he was carrying iron Kirch in his hand and Hardev Singh son of Piara Singh resident of Narmana also came out of the Maruti car and he was carrying a Danda in his hand. One unknown person also

came out of the Maruti Car who was carrying an iron rod. Six persons armed with weapons also came out of the other I-20 car. I with folded hands requested all of them that we have committed a mistake. Immediately on hearing this, Sukhdeep Singh alias Sukha with the intention of killing me gave a blow with the iron rod held in his hand towards my head. Upon this, I in order to save myself put forward my left arm upon my forehead due to which the iron rod hit my left wrist. He again with an intention of killing me gave a blow with iron rod straight in my head which hit my head and blood started oozing from my head. He again gave another iron rod blow on my head. In the meantime Binder Singh above said while carrying the iron handle in his hand came near me. I due to fear fell down from tractor. He hit the iron handle on the fingers of my right hand which hit my middle finger. Hardev Singh gave beatings to me with 15/20 danda blows on my buttocks. Jagjit Singh son of Hardev Singh gave a lalkara to do something to my uncle Kiran Singh also. On saying this, Jagjit Singh alias Jaggi gave a kirch blow near the wrist of the right arm of my uncle Kiran Singh and gave kirch blow directly on the right arm of Kiran Singh and also gave another kirch blow on the back side of his left bicep. Blood started oozing from both the arms of my uncle Kiran Singh. In the meantime, Hardev Singh gave a danda blow on the head of my uncle Kiran Singh. The unknown persons also gave many blows with their respective weapons. Thereafter, all the accused persons while standing at the spot danced there and also damaged our John Deer tractor and raised lalkara that we will not leave you alive and will go after killing us. All of them gave lot of beatings to us. While I was lying down Sukhdeep Singh alias Sukha above said gave a blow with his iron rod on

the fingers of my right hand. All the above said accused escaped from the spot in their respective vehicles alongwith their respective weapons thinking that I have died. While leaving Sukhdeep Singh alias Sukha was saying that they have taught me a lesson for ploughing the fields and in case I did not leave this land, then they will again gave beatings to me. The cause of the grudge is that this land was earlier given on lease to Sukhdeep Singh alias Sukha but thereafter we have taken this land on lease and therefore they had given life threatening beating to us. After they had left my father Narinder Singh and Sukhvir Singh son of my uncle reached at the spot. They put me in a vehicle at the spot and got me admitted at Civil hospital, Nabha where I and my uncle Kiran Singh are under treatment. I have got recorded my statement in the presence of my father and uncle Kiran Singh I have heard the same. It is correct. Action as per law may be taken against the above said perrons. I cannot sign because both my hands are not in working condition. I have affixed my right thumb impression. RTI Amrinder Singh. I endorse the statement.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that none of the injuries have been found to be grievous in nature except for injury No.2 given on the person of the complainant which is attributed not to the petitioner but to the other co-accused. Though there is an assertion of causing 15 to 20 danda blows by the petitioner on the person of the complainant but that too on non-vital part i.e. the buttocks and as such, whatever injuries attributed to the petitioner are declared that to be of a

simple nature and caused with a blunt weapon. It has been further asserted on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigating officer.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from SI Chamkaur Singh, pointed out that though the assertions made on behalf of the petitioner are correct but, has not pointed out the injury i.e. injury No.2 given on the person of the Kiran Singh on his head by the petitioner and not by any other co-accused person. The State counsel seeks dismissal of the instant petition on that ground.

On behalf of the complainant

Mr. A.S. Rehal, Advocate has put in appearance on behalf of the complainant and has filed Memorandum of Appearance, which is taken on record and vehemently argues that the allegations against the petitioner are that he has caused 15 to 20 stick blows on the back of the petitioner, but on query being put by this Court, it is stated to be on non-vital part of the body and that to on the buttocks which can be declared as simple in nature.

4. **Analysis**

Be that as it may, considering the fact that injury No.2, if taken to be correct as per stand of the State, is also declared simple in nature with danda (blunt weapon) and it is only that danda which needs to be recovered.

At this juncture, learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and fully cooperate with the investigating agency and, therefore, this Court is convinced as per the undertaking given before this Court on behalf of the petitioner wherein recovery of danda, if any, can be effected on the joining

of the investigation by the petitioner with the investigating agency as the State also could not put forth any other incriminating material to force 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

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No