



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61787-2024
DECIDED ON: 10.12.2024

BHAI DILAWAR SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satbir Singh Katnoria, 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.127, dated 11.10.2024, under Sections 115(2), 126(2), 118(1), 351(3), 191(3), 190 and later on added Sections 61(2) and 109(1) of the BNS, 2023, registered at Police Station Amargarh, District Malerkotla.

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

“Copy of Statement - Paramjit Singh alias Pammi S/o S. Joginder Singh, resident of Village Bagarian, Police Station Amargarh, aged about 50 years, Mobile No. 98723-72250 stated that I am residing at the above mentioned address and am agriculturist by profession. I am contesting the elections of Sarpanch in Village

Bagarian on behalf of Aam Adami Party. In my village Prabhdeep Singh alias Babbar son of Avtar Singh and Balwant Singh son of Bahadur Singh, resident of Village Bagarian are also contesting the Sarpanch's elections. Prabhdeep Singh alias Babbar aforesaid is also contesting elections on behalf of Aam Adami Party for the Sarpanch and who is being helped by Gurdeep Singh Niamatpur and Rajiv, who is P.A to the MLA, Amargarh. On dated 06.10.2024 Gurdeep Singh Niamatpur came to my house in village Bagarian and threatened me that we have to get the seat of Sarpanch in elections by electing Prabhdeep Singh alias Babbar as winner on behalf of Aam Adami Party and as such you may take back your nomination papers for the Sarpanch or else we know to return the nomination papers. Whatever we have to do to get Prabhdeep Singh alias Babbar as winner in the elections we shall get it done by all means. In addition to this, I also received threats oftenly from Gurdeep Singh Niamatpur that the Sarpanch's elections shall ought to be won by Prabhdeep Singh alias Babbar but I have not taken back my nomination for the Sarpanch and continued my publicity campaign. On 11.10.2024, while I was putting posters and flexes etc. in connection with my election campaigning for the Sarpanch's elections at the Main Bus Stand in Village Bagarian then at about 3.00 p.m., Gurmail Singh son of Jagir Singh, Baldev Singh son of Mukhtiar Singh and Gurwinder Singh son of Fakir Singh, all residents of Bagarian were present along with 8-10 unknown persons carrying in their hands dandas, bamboo sticks, gandasas and kirpans came at the spot and suddenly encircled me and all of them immediately attacked me. They came with an intention to kill and end my life. I can identify the unknown persons if produced before me. During the attack, all the afore-said persons

collectively attacked myself with their weapons at my home and owing to this, I do not know even whosoever with what weapon attacked and inflicted what injuries upon me. That during the attack as a result of injuries inflicted upon me by those unknown persons, I fell on the ground and people nearby and public gathered at the spot. On seeing the gathering, the assailants along with their weapons fled from the spot and while fleeing also threatened me to end my life that now they shall taught me a lesson to contest Sarpanch's elections. Thereafter, my friend Kewal Singh son of Maha Singh, resident of Bagarian came to the spot, who upon seeing my injuries and to provide me medical treatment, arranged vehicle for me and took me and got admitted to Civil Hospital, Nabha where I am undergoing treatment. During the attack, the aforesaid persons inflicted injuries on my right cheek, on the forehead just above right eye lid, below the knee of right leg and on the right side of knee, below the knee of left leg and on the ankle of right foot. The reason behind is animosity that I am contesting the elections of Sarpanch from Village Bagarian and majority of votes are in my favour and the opponent's party Prabhdeep Singh alias Babbar Prabhdeep Singh alias Babbar aforesaid and Gurdeep Singh Niamatpur aforesaid are prohibiting me from contesting Sarpanch's elections. I am confident that the attack on my house has been carried out by Prabhdeep Singh alias Babbar aforesaid and Gurdeep Singh Niamatpur aforesaid along with 8-10 unknown persons with their weapons. As such, proposed legal action be taken against all the aforesaid persons. Statement got record, heard and found to be correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner's name does not appear in the instant FIR rather the local police have wrongly implicated the petitioner due to political vendetta and party faction in the village. He further contends that there is no direct or indirect evidence against the petitioner to connect him with the alleged commissioning of the offence. It has been contended on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigating agency.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail on the ground that the petitioner along with his co-accused has assaulted the complainant due to the grudge that the complainant was contesting the Panchayat Elections for the post of Sarpanch of the village and had attacked the complainant with deadly weapons and caused numerous injuries on his person.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused in the instant FIR due to political vendetta and party faction; there is no direct or indirect evidence against the petitioner to connect him with the alleged offence added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

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.

(SANDEEP MOUDGIL)
JUDGE

10.12.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No