



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61922-2024
DECIDED ON: 10.12.2024

GURPREET SINGH ALIAS PRINCE
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. G.K. Maan, Sr. Advocate with
Ms. Simrat Kaur and Mr. Gursharan Singh, Advocates
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.0032, dated 28.02.2024, under Sections 326, 324, 323, 341, 506, 34 IPC, 1860, registered at Police Station Ajnala, District Amritsar Rural.

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

“Statement of Gurpreet Singh son of Kulwant Singh resident of village Gurala, Police Station Ajnala, age about 36 years, Mobile No. 80540-02426, has stated that I am resident of above mentioned address and is a labourer. On 21.02.2024, after doing my work, I was coming back from Ajnala to my village Gurala on my motorcycle bearing registration no. PB02CT-7352, when

I reached at Bus stop of my village Gurala, time would be around 9.30 pm, then Gurpreet Singh @ Prince son of Gurmeet Singh armed with datar, Gursharanjit Singh @ Sunny son of Kuldeep Singh armed with baseball, Anmolpreet Singh son of Harpal Singh empty handed, Dharminder Singh son of Harpal Singh resident of Gurala stopped my way, then Anmolpreet Singh son of Harpal Singh raised lalkara and said catch Gurpreet Singh and teach him a lesson of fighting with Gurpreet Singh @ Prince and his family, then in the meantime, Gurpreet Singh @ Prince attacked me twice with his datar, which hit on my left leg, then Gursharanjit Singh @ Sunny attacked me with his baseball on my waist and I fell down on the ground along with my motorcycle and while I was lying on the ground, Dharminder Singh gave me kick blows, I raised a noise maar ditta maar ditta, then my uncle Balwant Singh son of Tara Singh and Resham Mash son of Jit Masih of our village Gurala came on the spot, and on seeing them all the accused along with their weapons ran away from the spot after giving death threats and my uncle Balwant Singh and Resham Mash after arranging the vehicle got me admitted in Civil Hospital, Ajnala, where I am under treatment. The reason of dispute is that earlier fight took place between me and Gurmeet Singh who is father of Gurpreet Singh, regarding which a case of both the parties is pending in the Court. Due to this grudge, Gurpreet Singh along with his associates has stopped me on the way and have caused me injuries. That respectable of the village tried to get the matter compromised between us, however, which was not successful. Today I along with my uncle Balwant Singh was coming to Police station to inform you, you met us. I am the complainant.

*Appropriate action be taken against the above accused.
Statement has been recorded, heard and is correct.”*

3. **Contention**

On behalf of the petitioner

Learned Senior counsel for the petitioner contends that as per the prosecution story, the allegation against the present petitioner is that he caused injury to the complainant on his left leg with datar, which is on non-vital part. She further contends that there is a delay of more than 7 days in the registration of the instant FIR as the occurrence took place on 21.02.2024 and FIR has been registered on 28.02.2024. Ms. Mann, Sr. Advocate further contends that the present FIR is a counter-blast to an earlier FIR No.25, dated 08.03.2020, Police Station Ajnala, under Sections 326, 323, 452, 148, 149 IPC registered at the behest of the petitioner's father against the present complainant and his brother. The petitioner is ready and willing to join the investigation and cooperate with the investigating officer, as has been averred by learned Senior counsel for the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail on the ground that the petitioner gave two datar blow to the complainant which hit on the anterior surface of his left leg and as per the MLR, injury No.1 has been declared as grievous in nature with sharp edged weapon.

4. **Analysis**

Be that as it may, considering the fact that there is a delay of more than 7 days in lodging the instant FIR, which is a counter-blast to the FIR bearing No.25, dated 08.03.2020, Police Station Ajnala, under Sections

326, 323, 452, 148, 149 IPC registered at the behest of petitioner's father against the present complainant and his brother; the injury attributed to the petitioner is on non-vital part in addition to 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.

10.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No