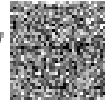


2024:PHHC:171937



104 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-61967-2024
DECIDED ON:20.12.2024

SURJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Arnav Kumar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J

1. Relief Sought:-

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked 2nd time for the grant of anticipatory bail to the petitioner in case FIR No. 34, dated 05.04.2021, under Sections 302, 148, 149 IPC, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Facts:-

It is at this time a statement of wife of Late Joginder Singh resident of Matoi aged 30years mob No9915708650 has been addressed to I SI SHO Amandeep Kaur 32 JRT Sadar for of FIR under Section 302, 148, 149 of IPC against Surjit Singh son of Balkar Singh Sethi son of Surjit Singh Sukho wife of Surjit Singh Meet Gurmeet sons of Balkar Singh of Meet Singh residents of MatoiShehbaz son of Dara Khan of RodiwalLaddi son of Naiti resident of Chuhan-ke now tenant at Matoi has been received through PHG Jagtar Singh 48313 Which is as under Statement of Kashmiro wife of late

Joginder Singh resident of Matoi aged 30years, mobile No. 9915708650. It is stated that I am resident of above mentioned address and I am a labourer On 02.04.2021 my husband Joginder Singh was going to Malerkotla from home on foot with regard to work at about 9:00 AM then on the way he took lift on a motorcycle from one passerby When he reached about 100 meter ahead of our Flour mill on the road going from our village to Malerkotla then wife of Surjit Singh resident of Matoi stopped the by giving signal to the bike driver and had brought down my husband Joginder Singh from motorcycle. At that time Surjit son of Balkar Singh Sethi son of Surjit Singh came there and they gave beating to my husband. Thereafter they all three brought my husband Joginder Singh to the house of Surjit. At the house of Surjit Singh, Meet Singhson of Balkar Singh, Pinki wife of Meet Singh Gurmeet Singh son of Balkar Singh All residents of Matoi and Laddi son of Neti, resident of Chauhan-ke now tenant at Meet Singh resident of Matoi and Shehbaj son of Dara Khan resident of village Rodiwal were sitting When Surjit Singh brought my husband Joginder Singh then they all gave beating to my husband with dandas, sticks with an intention to kill him due to which he suffered lots of injuries on his body. All this was told by my husband Joginder Singh on return to home on 03.04.2021 I took my husband Joginder Singh to Civil Hospital Ahmedgarh at about 5:00 PM and they referred my husband to Civil Hospital Malerkotla due to lots of injuries. Thereafter I got my husband admitted at CH Malerkotla and his treatment was going on there, all the above said persons gave beatings to my husband with sticks and danda with intention to kill and he succumbed to injuries on 04.04.2021 at around 11:00/11:30 at night. My husband has been murdered by Surjit Singh son of Balkar Singh Sethi son of Surjit Singh Sukho wife of Surjit Singh, Meet, Gurmeet sons of Balkar Singh Pinky wife of Meet Singh residents of Matoi Shehbaz son of Dara Khan resident of Rodiwal Laddi son of Naiti resident of Chauhan Ke now tenant at Matoi by giving injuries with sticks with an intention to kill legal action may

be taken against these persons. Today I along with my deverManjit Singh son of Bir Singh have met you at the outer gate of Civil Hospital Malerkotla and has got recorded my statement to you appropriate legal action may be taken against them. RTI Kashmiro, endorsed ManjitSingh son of Bir Singh, resident of Matoi, attested SD/- Amandeep Kaur SI/SHO, P.S. SadarAhmedgarh. Dated 05.04.2021”

3. **Submissions:-**

On behalf of petitioner:-

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. There is no cogent or incriminating material put forth by the investigating agency to connect the petitioner in commissioning of offence. The story narrated by the complainant is based on hearsay evidence, as there is no eye witness. It is also the case of the complainant that entire incident was told to her by her husband. Moreover, there is no specific role or injury has been attributed to the petitioner. He has made reference to Annexure P-2 and submits that the complainant's wife herself treated the deceased with cruelty.

On behalf of respondent-State:-

Learned State counsel appearing on advance notice prays for dismissal of the present petition stating that there are serious allegations against the petitioner, therefore his custodial interrogation is required.

4. **Analysis & Conclusion:-**

On perusal of FIR, it is evident that the only accusation made against the petitioner is that he physically assaulted the complainant's husband. However, there are no specific details regarding the injuries inflicted or whether these injuries were fatal. This lack of clarity is significant because, in criminal

cases, it is essential to demonstrate not only that an act occurred but also to establish its severity and impact on the victim. More so, learned State counsel also failed to present any incriminating material that would connect the petitioner to the incident in question and in criminal law, incriminating evidence is defined as evidence that suggests or indicates a person's guilt regarding a crime. Mere levelling allegation do not suffice for conviction. Hence, this Court deems it a fit case for grant of anticipatory bail to the petitioner.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to his joining the investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

20.12.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*