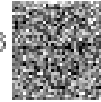


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2024.PHHC.165286



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62005-2024
DECIDED ON: 11.12.2024

AKASHDEEP SINGH ALIAS KASHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imaan Singh Khara, 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.56, dated 04.09.2024, under Section 304 of BNS, 2023 and Section 238 of BNS, 2023 added later on vide DDR No.14, dated 14.11.2024,, registered at Police Station Jhander, District Amritsar.

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

“Statement of Shri Daljeet Singh son of Mahinder Singh, resident of Bath, Police Station Jhander, aged about 60 years, Mobile No. 98146-41021. Stated that I am a resident of the above said address and work as agriculturist. Today, on 04.09.2024 at about 11 o'clock in the morning, I and my wife Ranjit Kaur were going on

motorcycle bearing No. PB02 CK 7984 Make Splendor from our house to village Mahaddipur for getting medicine. When we reached near the village Bal Bawa, then three young men followed us on a motorcycle, who pounced to snatch the kit held by my wife Ranjit Kaur in her hand, then my wife fell down from the motorcycle on the road and all the three clean shaven young men ran away by snatching the kit. My wife suffered several injuries, to whom, I by arranging the vehicle, got her admitted in Military Hospital Amritsar, who is under treatment. The kit contained Rs. 6000/-, a mobile phone of Motorola and some clothes in the kit. Till now we were searching for the culprits on our own level, now we have come to know that Gurlal Singh alias Kali son of Harpal Singh, Jashanpreet Singh alias Bheecha son of Jasbir Singh and Akashdeep Singh alias Kashi son of Feera Singh, residents of Mattenangal have done this incident with us. I can identify all the three young men if they appear before me. Action should be taken against them. Statement has been recorded to you, read, it is correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused in the instant FIR only on the basis of personal belief of the complainant and nothing else. 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 a man of clean antecedents as he is not involved in any other case. It has been further asserted that nothing is to be

recovered from the present petitioner therefore, his custodial interrogation at this stage is not required.

On behalf of the State

Learned State Counsel appearing on advance notice, in the absence of file could not controvert the aforesaid facts.

4. **Analysis**

Be that as it may, considering the fact that the petitioner is a man of clean antecedents as he is not involved in any other case; there is no direct or indirect evidence against the petitioner to connect him with the alleged offence in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

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.

11.12.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No