

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

CRM-M-63134-2024

DATE OF DECISION: 16.12.2024

BESANTVIR SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imran Farooqi, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. G.S. Nahel, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying for grant of Anticipatory Bail to the petitioner in FIR No. 183 dated 22.11.2024 under Section 333, 115(2), 126(2), 351(3), 3 (5) of the Bharatiya Nyaya Sanhita (BNS) 2023 registered at Police Station Amargarh, District Malerkotla (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Statement of Rupinder Kaur, wife of Malkit Singh, resident of village Rampur Chhanan, police station Amargarh, aged about 40 years. Mob: 86992-50347. 1, Rupinder Kaur, resident of the aforementioned address, am a homemaker. My husband, Malkit Singh, passed away about 5 years ago. One Kila of land is inherited by me, and my Jethani, Hardeep Kaur, wife of Hardeep Singh, also inherits one Kila of land. Hardeep Singh, the husband of my Jethani, passed away around 20 years ago. The total land of 2 Kila was leased to Amrik Singh, son of my Jeth Atma Singh,



for cultivation. This lease included one Kila of my land and one Kila of my Jethani Hardeep Kaur's land. Amrik Singh, after cultivating the land, owed us the contract amount of Rs. 40,000 per Kila. However, he only paid Rs. 2,000 less per Kila to our children in our absence, which is much less than the actual contract price. On 21-11-2024, around 09:40 AM, Hardeep Kaur questioned Amrik Singh about the reduced payment. In response, Amrik Singh verbally abused and insulted my Jethani, Hardeep Kaur. Afterward, Amrik Singh left the scene, but later returned with his son, Basantvir Singh, armed with a stick, and forcibly entered the courtyard of my Jethani's house. Amrik Singh and Basantvir Singh began assaulting my Jethani. Hearing the commotion, I rushed to her house to intervene. Amrik Singh and Basantvir Singh then attacked me as well. Basantvir Singh hit me on the left elbow with the stick, and when Simarpreet Singh, the son of my Jethani, tried to intervene, Basantvir Singh grabbed him by the collar. Amrik Singh slapped me on my left neck, and simultaneously, Basantvir Singh slapped the same area of my neck. My Jethani and I screamed loudly, which caused Amrik Singh and Basantvir Singh to flee, threatening to kill us both. My son, Zashanveer Singh, arranged for a vehicle to take me to the Civil Hospital in Amargarh for treatment, where I was initially treated. I was later transferred to the Civil Hospital in Malerkotla. The reason for the altercation is the unresolved lease money. Amrik Singh and Basantvir Singh assaulted my Jethani and me over the outstanding contract payment. I request that due legal action be taken against them. I have written and heard this statement. Sd/- Rupinder Kaur Endorsed Statement Sd/- Hardeep Kaur, wife of Hardeep Singh, resident of village Rampur Chhanan, Mob: 75083-21255. Verified by: HC Deepak Kumar, 658/Sang PS Amargarh Dated: 22-11-2024 Action Taken by Police: On 21-11-2024, the Head Munshi of the police station sent a medical note regarding Rupinder Kaur, wife of Malkit Singh, resident of village Rampur Chhanan, who sustained injuries during a fight and was admitted to Civil Hospital



Amargarh. The action was noted, and PHG Kuldeep Singh and I reached Civil Hospital Amargarh. The injured, Rupinder Kaur, was examined, and MLR No. LG/AMR/29/2024 dated 21-11-2024 was recorded. The doctor reported two injuries on the said victim, both bruises. I obtained a written opinion from the doctor about the procedure for recording the victim's statement, and the doctor recommended referring Rupinder Kaur to Civil Hospital Malerkotla. On 22-11-2024, we reached Civil Hospital Malerkotla, where the doctor confirmed that Rupinder Kaur was fit to give a statement. The statement was recorded verbatim, read aloud, and signed by her in Punjabi. Hardeep Kaur also signed in support of the statement. The statement was verified, and based on the facts, the case was found to be under sections 333, 115(2), 126(2), 351(3), and 3(5) BNS. The case was sent to the police station for registration. The control room was informed, and the FIR was registered. The statement was forwarded for further investigation. Action Taken by Officer: HC Deepak Kumar, 658/Sang PS Amargarh Dated: 22-11-2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the only injury attributed to the petitioner is minor and non-grave in nature and has been declared simple injury as per Medico Legal Report and therefore, no offence under Sections mentioned above is made out against the present petitioner. He submits that the dispute arose between the parties was due to some misunderstanding and there is no substantial evidence to support the same, hence, prays for grant of anticipatory bail to the petitioner.

On behalf of the State and counsel for the complainant

Learned State Counsel appearing on advance notice on



instructions from Investigating officer and counsel for the complainant vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner and co-accused forcibly entered the house of the sister-in-law of the complainant, quarrelled and threatened them by stating that they will have to face more serious consequence, therefore, prays for dismissal of the petition. However, they are not in a position to controvert the submissions made by counsel for the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties particularly to the effect that the dispute arose between the family members and only one simple injury has been attributed to the petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

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 him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on 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.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

16.12.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No