

2024:PHHC:168610



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63374-2024
DECIDED ON: 17.12.2024

BALJINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lovish Rattan, Advocate
for the petitioner.

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.147, dated 18.10.2024, under Sections 109, 191(3), 190 of BNS, 2023 and Sections 25, 54, 59(6) of Arms Act, 1959, registered at Police Station Jhabal, District Tarn Taran.

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

“Statement of Manpreet Singh son of Jaswant Singh resident of Baba Sain Bhagat Sohal Police Station Jhabal District Taran Taran aged about 35 years Mob:- 9872649577 stated that I am a resident of the said address doing agricultural work. On 15-10-24 at around 08/09 in the morning I was walking near Baba Sain Bhagat Elementary School Sohal where Baljinder Singh son of Gursahib Singh, Gurmukh Singh son of Jaswant Singh, Gagandeep Singh son of Palwinder Singh, Tarsem Singh, Prem Singh sons of Santokh Singh residents of Baba Sain Bhagat

Sohal and other 05/06 persons were standing who saw me passing by while Tarsem Singh defiantly raised a lalkara to catch me and not let me go. In the meantime, Baljinder Singh son of Gursahib Singh took out a pistol from his pocket and fired a bullet straight at my stomach and at that time two other companions of Baljinder Singh had weapons. Sarwan Singh Son of Baljit Singh and Gurbhag Singh son of Hira Singh of village Sohal started slapping Gurmeet Singh son of Kabal Singh of village Sohal who was making a video of the same and took away his mobile phone. During this scuffle, Buta S/o Santokh Singh R/o Baba Sain Bhagat Sohal was also caused injury on the foot with a datar. I fell on the ground and started shouting "maar dita maar dita", after which all the said persons ran away from the spot alongwith their weapons. Rajinder Singh son of Ronki Lal, Manpreet Singh son of Sukhdev Singh R/o Baba Sain Bhagat Sohal and my father Jaswant Singh came at the spot and arranged a ride for me and got me admitted at Amandeep Hospital Amritsar where I am undergoing treatment. Till date the respectables have tried to get the matter compromised but the same couldn't be. Statement has been recorded, you have read it over and heard. Legal action be taken against the above accused and justice be given to me. Statement has been given and is correct. SD/ Manpreet Singh..." "

3. **Contention**

On behalf of the petitioner

At the outset, learned counsel for the petitioner states that the matter has been resolved between the parties through a compromise dated 22.11.2024 (Annexure P-2). The parties have no grievances against each other and have filed petition No. CRM-M-63512-2024 for the quashing of the present FIR, which is scheduled for hearing today.

Notice of motion.

On behalf of the State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State, who does not controvert the submissions made by learned counsel for the petitioner.

Mr. Surinder Sharma, Advocate has put in appearance on behalf of complainant and endorsed no objection, in case the petitioner be released on bail, as the matter has already been settled amicably.

4. **Analysis**

Be that as it may, after giving a thoughtful consideration to the fact that the matter has already been settled between the parties on the basis of compromise, which is annexed to the present petition at Annexure P-2 dated 22.11.2024, this Court is of the considered view that no fruitful purpose would be served by sending the petitioner behind bars.

5. **Decision**

Hence, 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.

17.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>