



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64868-2024
DECIDED ON: 20.12.2024

KARAMJIT SINGH ALIAS KAMMU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Pandit, 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.151, dated 03.11.2024, under Sections 331(6), 191(3), 115(2), 118(1), 304, 324(4) of BNS, 2023, registered at Police Station Subhanpur, District Kapurthala.

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

“Statement of Harpreet Singh @ Happy son of Swaran Singh resident of Boot P.S. Subhanpur District Kapurthala aged about 28 years Mobile No. 98724-83186. Stated that I am resident of above address and do labour work. On 02.11.2024 at about 8:00 PM I was present at Bus stop Boot when Ravinder Singh @ Padda son of Surjit Singh and Gurpreet Singh @ Gopi @ Katta son of Jagtar Singh both residents of Boot P.S.

Subhanpur District Kapurthala came on their motorcycle and started staring at me and said that you are showing eyes to us and we will teach you a lesson. Then at about 11:00 PM I and my brother Jasvir Singh @ Sheera alongwith our family were present in our house when Jaswinder Singh @ Shinda son of Surjit Singh having iron datar, Ravinder Singh @ Padda son of Surjit Singh having iron datar, Karamjit Singh @ Kammu son of Bhupinder Singh having iron Khanda, Gurpreet Singh Gopi @ Katta son of Jagtar Singh having baseball, Deepu son of Jarnail Singh having baseball and Gurpreet Singh @ Gopi son of Satnam Singh having baseball all residents of Boot P.S. Subhanpur District Kapurthala forcibly entered our house. They with their respective weapons damaged the fridge, Motorcycle and Bathroom doors as also the wash basin. My brother Jasvir Singh @ Sheera saved his life from these assailants and ran away from the house. Jaswinder Singh @ Shinda above said attacked with his datar towards my head and I raised my right hand to save myself and the same hit on the little finger of my right hand which got cut and started hanging. Then Ravinder Singh @ Padda attacked me with his datar which hit on my right leg near the ankle. Then Karamjit Singh @ Kammu above said attacked me with his khanda which hit near the knee joint of my left leg. Then Gurpreet Singh @ Gopi @ Katta attacked me with his baseball which hit on my right knee. Deepu attacked me with his baseball which hit on my right thigh. Then Gurpreet Singh @ Gopi above said attacked me with his baseball which hit on my body and caused internal injury. I became unconscious and fell down and thinking that I have died my family started shouting and people started gathering and the accused while giving threats ran away from the spot and Ravinder

Singh @ Padda took out my I-Phone from my pocket and took it away and made me handicapped for life. All accused ran away with their weapons. My relative arranged for a vehicle and got me admitted to Civil Hospital, Kapurthala but due to serious injury I was referred to Sri Ram Neuro Centre Jalandhar where I am under treatment. Legal action be taken against the accused and I have given my statement it is correct. Sd/- Harpreet Singh @ Happy attested Gurdev Singh ASI police post Badshahpur P.S. Subhanpur dated 03.11.2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the petitioner is alleged to have given blow with khanda on the left knee of the complainant. He further contends that the injury attributed to the petitioner is on non-vital part and is simple in nature. He further contends that the petitioner has been nominated as an accused in the instant FIR only on the basis of political faction in the village and due to previous enmity.

He undertakes that the petitioner will join the investigation and cooperate with the investigating agency.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail on the ground that the petitioner along with other co-accused had inflicted various

injuries on the person of the complainant. He does not controvert the fact that the injury attributed to the petitioner is simple in nature.

4. **Analysis**

Be that as it may, considering the fact that the injury attributed to the petitioner with khanda is simple in nature and is on the non-vital part and the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigation agency, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail at this stage.

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.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No