





17.11.2024 my father Partap Singh Sarpanch son of Gian Singh resident of village Lalu Ghuman aged about 75 years in the morning has gone to the house of Bhagwant Singh son of Mahinder Singh resident of village Lalu Ghuman as bhog ceremony for the death of his mother was fixed for today and on completion of the rasam of bhog and after having the meal my father Pratap Singh Sarpanch along with his friend Budh Singh son of Kalyan Singh resident of village Lalu Ghuman started from the house where bhog ceremony was performed towards the house of Budh Singh abovesaid for taking his motorcycle and on the way at about 1:30 pm one unidentified person who was armed with two pistols came on his motorcycle and started firing gunshots upon my father. My father Partap Singh Sarpanch fell down and one gunshot hit in the leg of Budh Singh and in the meantime Bhagwant Singh son of Mahinder Singh resident of village Lalu Ghuman whose mother's bhog was there and other persons came running and the said unidentified person fired gunshots upon them also. This entire incident has been given result due to the election for the post of Sarpanch of my father Pratap Singh Sarpanch by the opposite party namely Bikramjit Singh son of Wassan Singh, Nishan Singh son of Desa Singh, Ranjit Singh son of Jaswant Singh, Desa Singh son of Sulakhan Singh, Balram Singh son of Harbhajan Singh residents of village Lalu Ghuman and they have given result to the said incident as since the time of the elections of the Sarpanch they used to get the threatening calls from Amritpal Singh Bath resident of village Mianpur and along with him Ranjit Singh @ Rana son of Vasan Singh resident of village Lalu Ghuman at present Canada was also giving threatening to us through phone since the time of elections and stated that they will not allow us to live in the village. That the pistol of the unidentified person fell down while he was going back which has been taken by you in your possession. My father Partap Singh Sarpanch has got expired due to the gunshot injury at the spot itself and Budh Singh son of



Kalyan Singh has been taken to the hospital for treatment. That the strict legal action may kindly be taken against the aforesaid persons who have got killed or got killed my father by firing gunshots upon him. That the justice be got done with us for the murder of our father. This entire incident has been got witnessed by me, Budh Singh and Bhagwant Singh. Statement has been got recorded which has been read over and same is admitted to be true. Sd/ Baljinder Singh Baljinder Singh abovesaid, attested by Paramjit Singh INSP/SHO Police Station Jhabal dated 17.11.2024'.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as on the date of incident i.e. 17.11.2024, the petitioner was not even present at his village as he only came on leave on 29.09.2024 and joined back his duty in Jammu and Kashmir on 09.11.2024, therefore, the petitioner has no concern with the alleged offence. He submits that the petitioner has been nominated as an accused in the present FIR due to political vendetta as the petitioner belongs to the opposite party whereas the petitioner is in Indian Army and used to come to his house once or twice in a year and he has nothing to do with the village politics, moreover, he has been living in Tarn Taran and not in village for last 10 years.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Lakhwinder Singh vehemently opposes the prayer for grant of concession of anticipatory bail stating that the



there are allegations of conspiracy for killing a person and seriously injuring the other victim due to political rivalry.

4. **Analysis**

Be that as it may, after having given a thoughtful consideration to the submissions as made, by the counsel for both the parties especially to the effect that the petitioner was not even present in the village at the time of alleged incidence and no incriminating material is coming forth qua 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

13.01.2025
anuradha

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