



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-5364-2025
DATE OF DECISION: 05.02.2025

GURCHARAN SINGH AND OTHERS
...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karan Puggal, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. A.S. Mann, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 059 dated 17.10.2024 under Sections 118(1), 115(2), 126(2), 324, 191(3) and 190 of BNS (Section 118(2) of BNS added later on) at P.S. Arif Ke, District Ferozepur.

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

'Statement of Mahinder Singh son of Gopal Singh resident of Village Usman Wala, Police Station Arif Ke aged about 65 years, mobile No. 99152-19765. I would like to state that I am resident of above noted address and I am agriculturist by occupation. On 14.10.2024 at around 10.00 PM Night, my son called me and told that I am standing at bus stand Ferozepur and please come here and take me back then I alongwith my neighbor Salwinder Singh son of Swarn Singh resident of Usman Wala on his car bearing registration No. PB-08-CD-9292 make Alto went to take my son Amarjit Singh and when I reached near Police Station Arif Ke then I received phone call from my son that I got a lift on a motorcycle and I will



come to house, you go back to the house, then I was coming back to my house at village Usman Wala and at around 10.50 PM, when I reached near a vacant place lying at some distance ahead from my village Usman Wala then 4-5 riders of motorcycles came from Village side and they stopped their motorcycles in front of my car and stopped me and then they alighted me from the car. Out of said riders of motorcycle, Gurcharan Singh son of Mehal Singh resident of village Usman Wala has raised Lalkara that Mahinder Singh has made his wife Gurmeet Kaur as candidate in the Gram Panchayat Elections, so make him taste for it, then Gursewak Singh son of Kulwant Singh has given blow of his Kapa towards my head, then I raised my right hand to save my head and said blow of Kapa hit on my right side wrist and Harjinder Singh has given second blow of baseball to me which hit on my right arm on right side shoulder, then Babalpreet Singh has given third blow of his Dang which hit on my left side shoulder, due to which I fell down on the road and Inderjit Singh and 3-4 unknown persons had beaten me while I was laying on the ground, Inderjit Singh has dragged me by holding from my hairs and they also damaged the window glasses of Alto Car. I raised noise "Marta Marta" then suddenly my son Amarjit Singh reached at the spot and while looking the said persons who were beating me, he also raised noise "Marta Marta" then all the above said persons ran away from the spot along with their respective weapons. My son Amarjit Singh took me to the house of Chamkaur Singh son of Pargat Singh resident of Usman Wala, where they called Dr. Gurbachan Singh of village Faridey Wala and given me first aid and then on 15.10.2024 at morning time, Chamkaur Singh has got me admitted in Civil Hospital Ferozepur for better treatment. Where the doctor issued my MLR and also done dressing of my injuries and after keeping me in the hospital for 2½ Hours, after that I was discharged from the hospital. The motive behind the grudge is that my wife Gurmeet Kaur had contested the election of Panch of Gram Panchayat and due to which the above said persons of opposite party, had caused injuries to me. Therefore, legal action be taken against Gurcharan Singh son of Mehal Singh, Gursewak Singh son of Kulwant Singh, Harjinder Singh son of Nishan Sigh, Babalpreet Singh son of Sukhwinder Singh, Inderjit Singh son of Sukhraj Singh all residents of village Usman Wala and other 3-4 unknown persons and justice be provided to me. Statement got recorded, heard and same is correct. Sd/ Mohinder Singh attested by Sd/- Gurpreet Singh, Police Station Arif Ke Dated: 17.10.2024. Police proceedings: Today myself ASI is present in the Police Station then MHC of Police Station has given me MLR No. 1127/AGS/MLR/CHF/2024 dated 15.10.2024 of Mahinder Singh son of Gopal Singh resident of village Usman Wala and on checking of said MLR,



it has found that the doctor has written that total 03 injuries in this MLR, injury No.1 KUO and injuries No. 2 and 3 are simple and injury No. 1 Sharp and injuries No 2 and 3 are blunt. Therefore, today Mohinder Singh along with Salwinder Singh son of Swarn Singh resident of village Usman Wala came present in the Police Station and has got recorded his above said statement. After recording his statement, same is read over to him, who, after hearing his statement and admitting the same to be correct, appended his signature in Punjabi on the bottom of statement and I have attested the same. As per the contents of statement and MLR, offence under section 118(1), 115(2), 126(2), 324, 191(3), 190 of BNS, 2023 is made out. That injury no. 1 has been KUO by Dr. Sahib and after obtaining the medical result, the action will be taken as it will be. What has been written in the statement against Babalpreet Singh and Inderjit Singh seems to be suspicious because from my spot investigation and intelligence investigation it has been found that Babalpreet Singh son of Sukhwinder Singh and Inderjit Singh son of Sukhraj residents of village Usman Wala police station Arif were not present at the place of incident. Although they were found not to be, their involvement can be verified by the Station House Officer Police Station. After verification by the Station House Officer Police Station, appropriate action will be taken against the accused Babalpreet Singh and Inderjit Singh. Accordingly, against accused Gurcharan Singh son of Mahal Singh, Gursevak Singh son of Kulwant Singh, Harjinder Singh son of Nishan Singh, all residents of village Usman Wala Police Station Arif Ke and other 3-4 unidentified persons have been handed over to the CCTNS operator for filing a case. Number should be informed about the case by registering FIR. Information be notified on W/M through PCR. Due to lack of time, the next investigation will be carried out later. Correct/- Gurpreet Singh ASI Police Station Arif Ke dated 17.10.24 Extent Area Police Station Arif at 08:25 PM Today, the police station received the said statement and prosecuted the accused for the said crime against Gurcharan Singh son of Mahal Singh, Gursewak Singh son of Kulwant Singh, Harjinder Singh son of Nishan Singh, all residents of Usman Wala police station, Arif Ke and other 3-4 unidentified persons was registered. PCR Ferozepur is being informed.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in the present case as there is unexplained delay of three days in lodging the present FIR. He



submits that the present FIR is only the result of political vendetta and has been registered during election period. He further submits that complainant was medico legally examined and as per the same, the injury No. 1 was kept under observation while injuries No. 2 and 3 were declared to be simple in nature but subsequently, injury No.1 was declared grievous and offence under Section 118(2) of BNS was added, however, all the injuries were on the non-vital part of the body. He points out that the matter has already been settled between the parties with the intervention of the respectable persons of the society and a compromise/affidavit has been duly signed in the presence of the witnesses of both the sides and the same is annexed as Annexure P-4, therefore, prays for grant of anticipatory bail to the petitioners.

On behalf of the State and counsel for the complainant

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of concession of anticipatory bail stating that petitioners raised lalkara and were armed with kapa and hit on the wrist of the complainant, though they are not in a position to controvert the submissions made by counsel for the petitioners.

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 injuries were inflicted on the non-vital part of the body, moreso, the matter has been settled between the parties, this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have 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 petitioners are hereby directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do 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

05.02.2025
anuradha

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