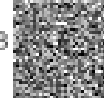


2025:PHHC:017428



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6876-2025
DECIDED ON: 06.02.2025

BIKRAMJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Vikas Gupta, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023, has been invoked seeking anticipatory bail to the petitioner in case FIR No. 233, dated 17.11.2024, under Sections 103(1), 190, 191 (3) of BNS, 2023, and Section 25(6) of Arms Act, 1959, registered at Police Station Jhabhal, District Tarn Taran (Sections 61(2) and 351(2)(3) of BNS added later on).

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

“Statement of Baljinder Singh son of Pratap Singh Sarpanch, resident of Lalu Ghuman, Police Station Jhabal, district Tarn Taran, aged about 46 years, Mob. No. 8847472305, stated that I am a resident of the above mentioned address and I am engaged in agriculture. Today, on 17.11.24, my father Pratap Singh Sarpanch son of Gian Singh, resident of Lalu Ghuman, aged about 75 years, had come in the morning to attend the Bhog ceremony of deceased mother of Bhagwant Singh son of Mahinder Singh, resident of Lalu Ghuman. After the Bhog ceremony was completed, after having prashada (meal), my father Pratap Singh Sarpanch along with his

companion Budh Singh son of Kalyan Singh, resident of Lalu Ghuman, had just left the house where bhog ceremony was held to take his motorcycle from the house of above said Budh Singh, on the way, it must have been around 1:30 pm when an unknown person with 2 pistols came on his motorcycle and started shooting at my father. My father Pratap Singh Sarpanch fell on the ground where a bullet hit in the leg of Budh Singh. In the meanwhile, Bhagwant Singh son of Mahinder Singh, resident of Lalu Ghuman in whose house the bhog ceremony was held regarding his deceased mother, along with other persons came forward who was also shot by the unknown persons. And all this was done for the Sarpanchi Election of my father Pratap Singh Sarpanch by the opposition party's 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, resident of Lalu Ghuman. They have been calling us since the Sarpanch election with threats through Amritpal Singh resident of Miapur. Along with them Ranjit Singh l Rana son of Wassan Singh, resident of Lalu Ghuman, presently in Canada, has been threatening us over the phone since the election that they will not be allowed to stay in the village. While the unknown person was leaving, a pistol fell on the ground from their custody, which was taken by your good self in your possession. My father Partap Singh, Sarpanch had died at the spot due to gunshot. And Budh Singh son of Kalyan Singh was taken to the hospital for treatment. Strictest action should be taken against the above- mentioned persons who shot, planned and killed my father. Justice be given for the murder of my father. I, Budh Singh and Bhagwant Singh have seen this whole incident with our own eyes, statement has got been recorded, read over and is accepted as correct. SD/- Baljinder Singh, Verification/- Paramjit Singh INSP/ SHO Police Station Jhabal dated 17.11.24.”

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 due to existing party faction in the village as the petitioner belongs to the opposite party. He submits that the petitioner is having dispute regarding agriculture land with the complainant. He further submits that similarly situated co-accused have also been granted concession of anticipatory bail vide orders dated 13.01.2025 & 28.01.2025

(Annexures P-1 & P-2) passed in (CRM-M-1119-2025 & CRM-M-4642-2025) respectively, and he seeks parity with him, therefore, prays for grant of anticipatory bail to the petitioner.

Notice of motion.

On behalf of the State/complainant

Learned State counsel does not controvert the submissions made by learned counsel for the petitioner with regard to the fact that the petitioner is at par with his co-accused persons namely Nishan Singh and Ranjit Singh, who have already been enlarged on bail by this Court.

Learned counsel for the complainant accepts notice on behalf of respondent/State. He prays for dismissal of the present petition on the ground that bail application of one co-accused namely Balram Singh, was dismissed vide order dated 16.01.2025 passed in CRM-M-63198-2024.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner is having dispute regarding agriculture land with the complainant and due to political vendetta in the village, the petitioner has been falsely implicated in the FIR. Moreover similarly situated co-accused has already been granted the concession of anticipatory bail. As far as the contention of learned counsel for the complainant with regard to the dismissal of the bail application of Balram Singh co-accused, is concerned, his role was different from the present petitioner. This Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for

furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

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.

(SANDEEP MOUDGIL)
JUDGE

06.02.2025

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No