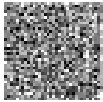


2025:PHHC:018941



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7458-2025
DECIDED ON: 10.02.2025

GURPIYAR SINGH ALIAS SONU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Bhinder, Advocate and
Mr. S.S. Sekhon, Ms. Indra, Advocates
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.136, dated 11.11.2024, under Sections 118(1), 115(2), 191(3), 190 of BNS, 2023 (Section 109 of BNS added later on vide DDR No.22 dated 17.11.2024) registered at Police Station Kotbhai, District Shri Muktsar Sahib.

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

“Statement of Gurvir Singh son of Kulwinder Singh son of Sukhdev Singh, resident of village Samagh, aged about 19 years, phone No. 9501887628. Stated that I am a resident of the aforementioned address and pursuing BA from Baba Farid College. Amrital Singh son of Harbans Singh of our village Dhani and Maan Singh son of Harbans Singh had a dispute with each other. In connection with the same, a gathering was held at village Samagh at the house of Amandeep Singh son of Balwinder Singh. Wherein, Amritpal Singh

son of Harbans Singh, Arjan Singh son of Amrital Singh, Varinderdeep Singh son of Amrit Pal Singh and Maan Singh son of Harbans Singh, Kulwinder Singh son of Sukhdev Singh, Harmeet Singh son of Naib Singh, Chhota Singh son of Gurdev Singh, Jasvir Singh son of Sukhdev Singh, Mandir Singh son of Sukhdev Singh, Iqbal Singh son of Major Singh, Maha Singh son of Maan Singh, Gurpreet Singh son of Jasvir Singh, Jatinder Singh son of Hardam Singh, residents of village of Samagh and I came to call my father Kulwinder Singh, the discussion about compromise was underway. Then Amrital Singh, Arjan Singh, Varinderdeep Singh got flared up and went out of the house and took out weapons from the white coloured Dzire car parked outside. Arjan Singh in possession of a Kappa, Varinderdeep Singh in possession of a Kappa, Amritpal Singh in possession of a spade and three unidentified persons empty handed at around 07 PM and the light was on in Amandeep Singh's yard and when they all came towards us and I stopped them, one of the unknown persons grabbed me and an unknown person held my father, whereupon, Amritpal gave a blow of his spade over me, which hit me on the back of my head and then Arjan Singh gave a blow of his Kappa over me, which hit me on the back of my head and then Varinderdeep Singh gave a direct blow of his Kappa over me, which hit at the back of my head and then Amrital Singh hit me with the handle of his handy spade, which hit me on the right side of my head and then Arjan Singh hit me with the back side of his Kappa, which hit on the left side of my waist. I raised hues and cries then all of the said persons got into their white coloured Dire Car and escaped with their weapons. Then my father Kulwinder Singh admitted me to CH Gidderbaha where I am undergoing treatment. First my father took me to CHC Doda, where due to lack of doctor, he admitted me to CH Gidderbaha. The said incident occurred on 10.11.2024 at about 07:00 PM. Cause of dispute is such that Maan Singh's son Maha Singh is my friend and we visit each other's house. This is the reason why these persons have inflicted injuries to me. Legal action should be taken against them”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no specific injury whatsoever has been attributed to him. He further submits that Varinderdeep Singh and Arjan Singh, who have been specifically attributed role for causing injury, have already been granted the concession of interim bail vide orders

dated 02.01.2025, 23.01.2025 (Annexures P-5 & P-6 respectively) passed in CRM-M-65649-2024 & CRM-M-270-2025 respectively and the case of the petitioner is squarely covered.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that accused persons have caused injuries on the person of the complainant. He could not put forth any reason as to why Section 109 of BNS was added later on.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no specific injury has been attributed to the petitioner and similarly situated co-accused persons have already been admitted on interim bail by a co-ordinate Bench of this Court added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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

10.02.2025

Meenu

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