



102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7099-2025

Date of Decision:07.02.2025

NAMAN BANSAL AND OTHERS

...Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yogesh Goel, Advocate,
Mr. Izairra Mittal, Advocate and
Mr. Jashanpreet Singh, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case FIR No. 0186 dated 24.11.2024 under Sections 109, 333, 309(4), 118(1), 115(2), 351(2), 61(2) BNS 2023 & under Section 4 of Punjab Prevention of Damage to Public & Private Property Act 2014, registered at Police Station Tibba, District Ludhiana, Annexure P-1, as even compromise between parties has also been effected vide compromise deed dated 28.01.2025 (ANNEXURE P-7).

Mr. Puneet Bhushan, Advocate puts in appearance on behalf of respondent nos. 2 & 3 and has filed his Vakalatnama, which is taken on record.

2. Prosecution story setup in the present case as per the version in



the FIR as under:-

Statement of Lovedeep Singh S/o SH Ashok Kumar R/o House No 7488, Street No 1, Ward No 8, Mayapuri Tibba Road, Ludhiana aged about 29 years Mobile Number 75084-73487. It is stated that I am resident of aforesaid address. My ready garments shop is situated outside my house and as usual, today I was present at my shop. Due to Sunday, all members were present in the house. It was about 2:30 PM. I received a mobile call from my cousin Harpreet Singh alias Happy So Kashmir Singh R/o House No 7487, Street No 1/6, Ward No 8, Mayapuri, Tibba Road, Ludhiana on my mobile that he has received a message from Manoj Kumar S/o Arvind Kumar R/o House No 1718, Street No 2, Ward No 8, Punjabi Bagh Tibba Road, Ludhiana regarding dispute occurred on yesterday night with my cousin Harpreet Singh alias Happy, they are coming to resolve the dispute on my shop (Lovedeep Singh) to whom I told that Happy, they are dangerous persons not to meet them. We are just talking with each other, then Jaspal Rana alias Jassu S/o Roop Chand R/o House No 7605, Street No 1/6, Mayapuri Tibba Road Ludhiana along with Manoj Kumar S/o Arvind Kumar R/o House No 1718, Street No 2, Punjabi Bagh, Tibba Road Ludhiana, Naman Bansal S/o Dheeraj Bansal R/o House No 2025 Amarpura Ludhiana, Aman Nagpal S/o Subhash R/o House No 1767/1 Street No 4 Vishkarma Nagar, Tajpur Road Near Mohalla Indrapuri Ludhiana, Karanpreet alias Bobby Nagra S/o Paramjeet R/o Street No. 1, Karamsar Colony Ludhiana now R/o Street No 1, Kartar Nagar Tibba Road Ludhiana, Deepak Kumar S/o Arvind Kumar R/o House No 1718 Street No 2 Ward No 8 Punjabi Bagh Tibba Road Ludhiana accompanied with 10-15 unknown persons having muffled faces to conceal their identity armed with sharp edged weapon, sword, dattar, baseball came on motorcycles and scooters and stopped in front of my shop. I got perplexed and trying to enter my house from small gate of my shop, then all these persons entered into my shop by breaking glass door of my shop. The said Manoj Kumar gave 5 blows with sharp edged weapon carrying in his hand on the right side of my chest with intention to kill him and also gave blow with his sharp edged weapon on my left wrist at two places. In order to protect



me, Harpreet Singh alias Happy tried to make an attempt to save me, then said Aman Nagpal gave dattar blow on his right bicep due to which, his t-shirt was torn, thereafter said Naman Bansal give 3 blows with baseball on his back. We saved ourselves with great difficulty, then Monoj Kumar, Jaspal Rana alias Jassu, Naman Bansal, Deepak Kumar, Karanpreet alias Bobby Nagra, Aman Nagpal damaged my car make Verna color Black bearing registration no PB-10-EM-0857 parked near the house of Happy with Kirpan, Dattar, Baseball Bat and with stones and cut the sheet of the car with kirpans, iron data, due to which all glasses of my broken. Thereafter the aforesaid persons, after lifting brick bats from the street threw inside in our houses, due to which glass of the house was broken. After doing this, they could not satisfy, then all the aforesaid persons, also damaged my motorcycle make TVS Sports Number PB-10-GF-8299 parked outside my shop and Activa color grey bearing registration number PB-10-FG-8954 and also motor cycle make Passion Plus Color Black bearing registration no PB-10-DN-6570 with sword and dattars. All these persons also took away a sum of Rs 78,800/- of the sale of my shop lying in the cash box of my shop. Since, I have to make the payment of Rs 75000/- of my purchased articles in the evening, therefore I have kept the same after counting money. All these persons also took away DVR's of my cameras installed at my shop and LCD make Hair 43 inch. They also damaged AC make Hitachi installed in my shop with swords and also took away mobile number make One Plus Nord CE-3LITE 5G bearing IMEI No 861370061331497 and IMEI 2 No 861370061331489 from my uncle Kashmir Singh after pushing him. All these persons have committed this incident with us because yesterday night, Jaspal Rana alias Jassu, Karanpreet alias Bobby Nagra, Manoj Kumar were beating to one auto driver, then son of my aunt namely Harpreet alias Happy had restrained the aforesaid persons from beating the said auto driver. All these persons have caused damaged of about Rs 13,40,000/- of my private property. Before attacking upon us, these persons gathered initially at gym in the name of DM Fitness near Karamsar Colony Tibba Road belonging to Manoj Kumar and thereafter in the house of Jaspal Rana alias Jassu and attacked on our house in a planned manner against



whom after taking legal action, accused be arrested. After conducting our medical examination from Civil Hospital Ludhiana, we are coming to you for information and you met near triangular park chowk Subhash Nagar Ludhiana. I have got recorded my said statement in the presence of my cousin Harpreet Singh alias Happy which has been heard and same has been correct. Sd/- Lovedeep Singh endorsed by Sd/-Harpreet Singh attested Sd/- Amrik Chand ASI Police Post New Subhash Nagar Tibba Road Ludhiana dated 24.11.2024. Police proceedings. Today I ASI along with Constable Sanjeev Kumar 201/Ldh, PC Harkanwal Singh 16198/ PHG Major Singh 169004 were present at Triangular Park Subhash Nagar for patrolling duty, then Lovedeep Singh S/o Sh Ashok Kumar R/o House No 7488 Street No 1, Ward No 8 Mayapuri Tibba Road, Ludhiana along with his cousin Harpreet Singh S/o Kashmir Singh R/o House No 7487 Street No 1/6 Rood Ludhiana came present and got recorded hisaforesaid statements upon which. I ASI got typed on my private laptop through Constable Sanjeev Kumar No 201/ Ldh took out print of the statement from the printer and name was read over to said Lovedeep Singh who after hearing and admitting to be same and correct put his signatures in English. The statement was endorsed by Harpreet Singh alias Happy by signing the statement and same was attested by me ASI. The copy of MLR No HRP/1438/2024/CH/LDH dated 24/11/2024 of said Lovedeep Singh and MLR No HRP/1439/2024/CH/LDH dated 24.11.2024 of Harpreet Singh were obtained from Civil Hospital Ludhiana. The doctor Sahib has shown total 4 injuries on the MLR No HRP/1438/2024/CH/LDH dated 24.11.2024 of said Lovedeep Singh out of which injury no 1, 2, 4 as blunt and injury no 3 with sharp edged weapon and injury no 1 and 4 have been kept pending for X/Ray. The doctor Sahib has shown total 5 injuries on the MLR No HRP/1439/2024/CH/LDH dated 24.11.2024 of said Harpreet Singh out of which injury no 1, 2, 3, 4 are blunt and injury no 5 with sharp edged weapon and injury no 1 ENT opinion, injury no 2 ENT opinion, injury no 3 and 4 for X/Ray opinion and injury no 5 has been kept for X/Ray and ortho opinion. From perusal of statement and said MLR's, offence U/s 109/333/309(4)/118(1)/115(2) 351(2)/61(2) BNS and Section 4 of



Punjab Prevention of Damage to Public and Private Property Act, 2014 has been found to be committed. Statement through PHG Major Singh 16944 is sent to the police station for registration of case against said persons under said sections. After registration of case, FIR Number be informed. Control Room be informed. Special Reports be issued. I ASI along with officials and complainant of the case Lovedeep Singh are left for place of incident.”

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that no particular role has been attributed to the petitioners, otherwise also offence under Section 4 of the Punjab Prevention of Damage to Public & Private Property Act, is prima facie not evident from the bare perusal of the FIR and the contents narrated therein. He further submits that the matter has been compromised between the parties themselves.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, did not oppose the instant petition since the parties have entered into compromise with the intervention of the respectables of the society and they undertake to join the investigation.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as the matter has been settled between the parties themselves, as such, this



Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioners are hereby directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.



In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.02.2025
kv

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