

103

2025:PHHC:021866

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8391-2025

DECIDED ON: 14.02.2025

HARMANPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Arora, Advocate
for the petitioner.SANDEEP MOUDGIL, J (ORAL)1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case FIR No.80 dated 29.12.2018 registered under Sections 307, 427, 148, 149 of IPC 1860 and 25, 27 of Arms Act, 1959 (offence under Section 201 IPC 1860 added later on) at Police Station Sarai Amant Khan District Tarn Taran.

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

“Statement of Avtar Singh son of Balkar Singh caste Jatt resident of village Chhina Bidhi Chand Police Station Sarai Amant Khan District Tarn Taran aged about 30 years M: 97798-68894. It is stated that I am resident of above-mentioned address and used to do agriculture work. Today at about 4:30 pm I and Bhupinder Singh son of Mohan Singh caste Jatt resident of village Chhina Bidhi Chand on vehicle No.PBO2V- 3639 make Verna white in colour were going from our residence (Behek) to Chhina Bidhi Chand

Government Elementary School and when we reached little behind the gate of village Chhina Bidhi Chand then Joban Singh son of Rasel Singh resident of village Mehmoodpur Police Station Valtoha armed with revolver along with 5/6 other unidentified person armed with dangs, sticks were already standing and Joban Singh raised lalkara and stated that let us teach a lesson to Avtar Singh for twisting his moustache in front of us and they started causing damage to my car and I after alighting from the car tried to ran away then Joban Singh aforesaid fired gunshot with his revolver upon me and one gunshot was fired with intention to kill me which hit on the knee of my left leg from the front side and the remaining unidentified accused persons caused damage to my car and my car got seriously damaged. That I and Bhupinder Singh raised hue and cry and all the aforesaid accused persons ran away from the spot along with respective weapons. That Bhupinder Singh aforesaid is my cousin brother and he after arranging the vehicle got me admitted to Sur Singh Civil Hospital where I am under treatment, thus, the statement has been got recorded action may kindly be taken against the aforesaid accused persons.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the version of the complainant stands changed while making statement under Section 164 Cr.P.C. alleging the petitioner to have caused a gun shot injury on the left thigh of the complainant whereas in the initial version of the FIR, which was got recorded by the complainant himself, only it was Joban Singh against whom such allegations were made but thereafter during investigation he has been declared innocent. He has also referred to part of the FIR wherein it is

categorically recorded that 5-6 persons accompanying Joban Singh were armed with dang and sticks and therefore, now in the improvised statement under Section 164 Cr.P.C., the complainant alleging gun shot injury to the present petitioner, which raises doubt on the prosecution story. Even otherwise the FIR pertains to the date way back to 29.12.2018 wherein all other co-accused persons have already been admitted to regular bail or anticipatory bail vide Annexure P-2 to P-6.

Mr. Arora, learned counsel for the petitioner would undertake before this Court that the petitioner is ready and willing to join the investigation as and when called for and duly cooperate in furtherance of the same so that report under Section 173 Cr.P.C. can be prepared and filed which has already been delayed since 29.12.2018.

4. Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State but does not controvert the aforesaid factual aspect.

5. **Analysis**

Be that as it may, considering the aforesaid assertions and the submissions made on behalf of the State counsel who also could not controvert the aforesaid factual aspect, no fruitful purpose would be served by sending the petitioner behind the bars.

6. **Decision**

In the light of above, 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

14.02.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No