



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9259-2025
DECIDED ON: 18.02.2025

SHANKAR 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 a case FIR No.342 dated 29.09.2024 registered under Sections 118(2), 115(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-3).

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

“Statement of Dilbagh Singh son of Arjan Singh resident of village Dhunda Police Station Goindwal Sahib aged about 40 years Mobile No.98784-11793. It is stated that I am resident of above-mentioned address and used to do agriculture work. On dated 18.08.2024 at about 09:30 AM I after engaging the mason was raising the wall of my side of my house and on the other side of the wall the house of Shankar Singh is situated and when we started constructing the wall then Amandeep Kaur daughter of Shankar Singh resident of village Dhunda raised lalkara

and stated that let us catch hold of Dilbag Singh and his father today for raising the wall on our wall and handed over Vohli (agricultural equipment like spade with iron pipe) lying nearby to her father and Charanjit Kaur wife of Shankar Singh resident of village Dhunda who was standing nearby attacked with the dang towards me and the dang blow hit on the right side of my forehead and Kashmir Singh son of Surjan Singh resident of village Dhunda who was standing at a little distance attacked upon me with the reverse side blow of gandasi which hit on my left arm and on hearing our loud noises my father Arjan Singh son of Laxman Singh who was standing at a little distance of the wall and my father came near to the wall and after keeping hand over the wall tried to make them understand and then Shankar Singh son of Surjan Singh resident of village Dhunda who was standing nearby gave direct blow of Vohli upon my father which hit on the fingers of the left hand of my father and the fingers of my father started bleeding. I and my father raised hue and cry and on hearing our cries the people from our neighbourhood started gathering and on seeing the people gathering at the spot all the aforesaid accused persons ran away with their respective weapons from their house and thereafter called my brother-in-law Harjit Singh son of Joga Singh resident of Rampur Narottampur who has come to my village to meet some person and called him at the spot and he after arranging the vehicle got my father admitted to SDH Khadur Sahib where my father remained under treatment for 3/4 days and thereafter on 21.08.2024 doctor discharged him. The reason behind the incident is that Shankar Singh who is my neighbour and in between our courtyard there is a wall which has been constructed by me in the year 2014 and Shankar Singh used to claim his right over the said

wall and I told him that this wall has been constructed by me and I wanted to raise the height of the said wall but Shankar Singh used to stop me and without any reason by fighting with us have inflicted injuries upon my father. The respectable person of the village many time were trying to get the matter compromised between us regarding the said fight but till date the same could not be affected. Thus, the strict legal action may kindly be taken against the aforesaid persons.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that it is a case of version and cross-version and there is an inordinate delay of 42 days in lodging the instant FIR as the occurrence took place on 18.08.2024 whereas the FIR was got registered on 29.09.2024. He further contends that the petitioner himself got injured in the scuffle who got injuries on his left wrist which have been declared grievous in nature as is evident from medico legal report dated 18.08.2024 (Annexure P-1). The complainant has got registered the instant FIR just to create a self-defence as has been averred by learned counsel for the petitioner. It has been further contended that a cross-case also stands registered at the behest of father of the petitioner against the complainant party as they inflicted injuries on the person of the petitioner and his mother namely Charanjit Kaur.

He further asserts that co-accused namely Dilbag Singh has already been granted the concession of anticipatory bail by this Court vide order dated 04.02.2025 (Annexure P-2) passed in CRM-M-6476-2025.

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, who does not controvert the aforesaid fact that it is a case of version and cross-version but opposes the grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner and his co-accused are serious in nature.

4. Analysis

Be that as it may, considering the fact that it is a case of version and cross-version; co-accused namely Dilbag Singh has already been granted the concession of anticipatory bail by this Court vide order dated 04.02.2025 (Annexure P-2) passed in CRM-M-6476-2025 in addition to the fact that there is an inordinate delay of 42 days in lodging the instant FIR, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

5. 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

18.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No