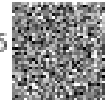


102

2025.PHHC.024685



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9728-2025
DECIDED ON: 20.02.2025

RAJAT

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanvir Singh Attariwala, Advocate
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.007, dated 11.01.2025, under Sections 281, 324(4), 115(2), 118(1), 117(1), 126(2), 191(3), 190 and 351(3) of BNS, 2023, registered at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar (Punjab)

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

“Statement of Talwinder Singh son of Prem Chand Resident of Pojewal Police Station Pojewal District SBS Nagar aged 32 years Mobile No. 62831-17982. Stated that I am a resident of the above said address and working privately with a liquor contractor at Ludhiana. On dated 09.01.2025 at around 12:45 PM, I along with my aunt's (Maasi's) son Harpreet Singh son of Gurmeet Singh resident of Chandpur, Roorkee Police Station

Pojewal District SBS Nagar was going on his scootery number PB-32W-9337 from village Chandpur Roorkee to Balachaur Court. Scootery was driven by my aunt's (Maasi's) son Harpreet Singh and I was sitting behind him. When we reached Balachaur side a little ahead of Ghamor Bypass, the time would be around 01:30 PM and someone behind us in a white colored vehicle at a very high speed without blowing horn and carelessly hit the back of our scooter. Due to the hit by the vehicle, both of us fell on the side of the road. Their vehicle hit a tree lying on the side of the road. That vehicle number is PB-32-AB-0140 make BALENO colour white. Five boys came out of the vehicle and started arguing with us that you have caused damage without any reason by coming in front of our vehicle, due to which we had an argument amongst ourselves. During argument the said persons took out Gandasa, Khanda and Kirpans from their vehicle. Out of which, one boy hit my aunts (Maas? s) son Harpreet Singh with a kirpan on his left arm near the elbow and they also hit my aunt's (Mas's) son on his shoulder and legs with a khanda. When I started to run, these five persons surrounded me from the front and hit me thrice on my head with a gandasa. These persons injured both my legs with gandasa and kirpans, one of them hit my right wrist with back side of gandasa. All these persons damaged our scooter with kirpans. All these persons injured us and threatened us and ran away from the spot with their weapons. These persons ran away from the spot leaving the vehicle number PB-32-AB-0140 make BALENO colour white. A lot of passer byes gathered on the occasion and these passers-byes arranged a ride and got us admitted to Civil Hospital Balachaur. There Doctor Sahib referred us to GMCH Sector-32 Chandigarh due to more injuries. Where we both are under treatment. I now came to know that the boy driving the car named Rajat Kumar S/o Balbir Ram Resident of Navi Abadi Nawan Shahr Police Station City Nawan Shahr who hit me on my head with gandasa. I can recognize the rest of the unknown persons if they produce before me. I have a

fracture in my right leg in which the doctor has inserted a rod. I don't know why these persons have caused us injuries by causing accident by hitting their car into our scooter, the same should be investigated. It should be found out that upon whose instigation and enmity, these persons had inflicted injuries to us. Legal action should be taken against Rajat Kumar and said four unidentified persons. I have written this statement myself in the presence of my aunt's (Maasi's) son Harpreet Singh. LTI/- Talwinder Singh above, Verified Sd/-”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further contended that the injuries allegedly inflicted by the petitioner on the complainant's head are of a simple nature, as per the Medico-Legal Report dated 13.02.2025. Additionally, Injury No. 6, which is described as grievous and caused by a blunt weapon, has not been attributed to the petitioner.

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 could not controvert the fact that injuries attributed to the petitioner are simple in nature. Though he prays for dismissal of the present petition stating that the petitioner is a habitual offender, as he is involved in other cases also.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that admittedly the injuries attributed to the petitioner are simple in nature, 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.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

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

20.02.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>