

2025-PHHC:024671



104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9845-2025
DECIDED ON: 20.02.2025

VISHAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No. 76 dated 05.07.2024 under Section 341, 324, 148, 149 IPC (Section 326 IPC (118 (2) of BNS and Section 201 IPC (238 of BNS) added later on P.S. Majitha Amritsar (Annexure P- 1).

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

'Statement of Kanwaljit Singh son of Gursewak Singh resident of village Ludhar, P.S. Majitha, District Amritsar age 25 years mobile No. 86694-03415 states that I am resident of above said address. I was doing the work of welding. On 22.06.2024 at 10.30 AM I was coming back home after doing the work of Satnam Singh @ Sattu of our village when I reached near the water tank of village Ludhar then there Harman son of Laddu armed with datar, Goni son of Laddu armed with datar, Vishal Sharma armed with Kirpan, Jodha son of Flancha armed with datar and Laddu son of Balwant Singh armed with datar all residents of village Ludhar, P.S. Majitha were

already standing with their weapons. When I reached near than all the above said persons surrounded me and Harman gave a lalkara to catch hold. Today I should not go unhurt teach him (me) a lesson for quarrelling with us on which all of them attacked with their respective weapons upon me. Goni above said gave blow of datar with intention to kill me on my head I raised both my hands on my head, so the datar hit on my left wrist. Harman above said gave a blow of his datar with intention to kill me on my head and I raised my hands above my head and the datar hit on the little finger of the right hand. Jodha Singh above said gave two blows of datar on my right leg and blow the knee. Vishal Singh above said gave a blow of Kirpan twice on my right knee, Laddu above said gave a blow of his datar on the left knee, Vishal gave the blow of the dasti Kirpan below my left knee, Harman gave a blow of his datar on my right foot on the upper part. Harman gave the blow of datar below the right knee. Jodha gave two blows continuously on below my right knee. Goni gave the blow of the datar on the back side of my right hand. I raised rola of Mar Ditta Mar Ditta then on hearing my rola Teja Singh son of Narender Singh and Maggu son of major Singh resident of Ludhar came on the spot on seeing them, all the persons fled with their respective weapons. The motive is that all the above said persons had earlier also quarrel with me regarding which I had given an application at Majitha Police Station. Regarding which the respectables had got the matter compromise with respect to the above said grudge all the above said persons has given me injuries with intention to kill me. Action be taken against them. The respectables have been trying for effecting a compromise between us it could not materialized. I have recorded my statement. Heard it. It is correct

Sd/- Kanwaljit Singh.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and there is delay of 14 days in lodging the FIR. He submits that the only injury attributed to the petitioner is on the non-vital part i.e. around right and left knee of the complainant and the same was declared to be simple in nature. The attention of this Court has been drawn to an order dated 08.11.2024 (Annexure P-3) passed in CRM-M-55620-2024 vide which co-accused has already been granted the concession of bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail on the grounds that the petitioner has given a datar blow on the left knee but could not controvert the fact that the injury was on non-vital part and the same was declared to be simple in nature and the grievous injuries were attributed to co-accused Harman and Jodha Singh.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the fact that the injury attributed to the petitioner is simple in nature, nothing is to be recovered from the petitioner added with the fact that co-accused has already been granted the concession of bail by this Court, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand 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>