



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10098-2025
DECIDED ON: 21.02.2025

TARUN JINDAL ALIAS TARUN JINDER

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ivan Singh Khosla, Advocate and
Ms. Bhumika Sachan, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section section 482 of the Bhartiya Nagarik Suraksha Sanita, 2023 for the grant of Anticipatory Bail to the petitioner in case FIR No.154 dated 21.09.2024 under Sections 115 (2), 118 (1), 333, 109, 126(2), 351 (3), 191(3), 190, 324(4), 61 (2) of the Bhartiya Nyaya Sanita (BNS), 2023, PS- Moti Nagar, Police Commissionerate Ludhiana (ANNEXURE P-1).

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

“Statement of Jaswinder Jindar son of Dharam Chand, resident of House No. 50/51, Chaudhary Colony, Moti Nagar, Ludhiana, currently residing as a tenant in the rouse of Sanjeev Kumar, next to Khalsa Bakery, G.I.B. Nagar, Mundian Kalan, Ludhiana, age approximately 34 years, mobile number 9855202011, stated that I am a

resident of the above-mentioned address. We are three brothers.. My eldest brother is named Surinder Pal,, second one is Tarun Jindar, and I am the youngest. I work in the dairy business. In Chaudhary Colony, Moti Nagar, Ludhiana, we own three houses, numbered 49, 50, and 51. My father, Dharam Chand, verbally allotted houses No. 50/51 to me and ny brother Surinder Pal in the presence of the Panchayat; and house No. 49 was allotted to Tarun Jindar. All the three houses are still in the name of my fatter, Dharam Chand. In house No. 50/51, my brother Surinder Pal resides with his family in the upper portion, while both my brothers, Surinder Pal and Tarun Jindar, keep buffaloes on the ground floor. I, along with my family, reside elsewhere on rent. My brother Surinder Pal and I have repeatedly asked our brother Tarun Jindar to vacate the space on the ground floor, but he has not vacated it and often usés abusive language. Previously, my brother Tarun Jindar had also caused disputes regarding this issue several times. On 20.09.2024, at around 3:00 PM, I was at my brother Surinder Pal's house. Tarun Jindar, along with, 4-5 unknown young men, forcibly broke the main gate of our, house and entered. Upon hearing the noise of the gate breaking, both my brother and I came downstairs and saw that Tarun was armed with Kirpan (iron) and his accompanied persons were carrying Sticks and Datars (Iron) and who suddenly arriving there, started breaking chairs and other belongings inside the house. When my brother Surinder Pal and I tried to stop them, Tarun Jindar attacked me. with the kirpan (sword) he was holding in his hand. In self-defense, I raised my right hand, and the kirpan struck my right thumb of my right hand. Due to which my hand started bleeding, and they also began beating my brother Surinder Pal. When we

raised an alarm by shouting "Bachao Bachao" for help; the above said individuals fled from the spot, issuing threats, and escaped on their vehicles while carrying their respective weapons. When my brother Surinder Pal and I were on our scooter, heading to the police station, as we approached near Everest School, Moti Nagar, my brother Tarun Jindar called some other boys, who started following us while Tarun turned back. Out of fear, we turned our scooter toward Sherpur. When we reached Fauji Colony in Sherpur, we found ourselves, in a dead-end street. There, in an empty plot, the aforementioned individuals, whose names are as follows: Lakhwinder Singh alias Lucky resident of Bhamiya Roaa, Ludhiana, armed with a kirpan (sword), Gurjinder Singh alias Goldy Grewal, armed with an iron sickle (Datar), another person namely Hakam Hussain alias Hakku Ali, armed with a gadasa (sharp agricultural tool), and there armed with a gadasa. was another boy named D' souza, They attacked my brother Surinder Pal with the intent to kill, using the weapons in their hands. Out of fear, I fled from the spot: After the assailants left the spot following the assault on my brother, I went back to my brother Surinder Pal, and found that he had sustained injuries inflicted by sharp edged weapons on his right ear, fingers of his right hand, left arm, back, and head, from which substantial blood was oozing: Then, I immediately called my friend Balwant Singh son of Bahadur Singh, resident of House. No. 56, Chaudhary Colony, Moti Nagar, Ludhiana, and summoned him to the spot. With his help, I admitted my brother Surinder Pal to Mohan Dai Oswal Hospital, Ludhiana, for treatment. MY brother is currently undergoing treatment there. I also got a dressing done at Civil Hospital, Ludhiana, and obtained an MIR. The motive for this attack is that Tarun*

Jindar was not vacating the ground floor space that belongs to us. We asked him to vacate the premises, and even the respected members of the Panchayat had explained this to him, but he did not comply. As a result, my brother Tarun Jindar summoned the aforementioned individuals and carried out a murderous attack on me and my brother Surinder Pal using deadly weapons. Among the vehicles used by these individuals, two vehicle numbers are PB 10 JM-1874 and PB 91-8381. Legal action should be taken against my brother, Tarun Jindar son of Dharam Chand; resident of House No. 49, Chaudhary Colony, Moti Nagar, Ludhiana, along with Lakhwinder Singh alias Lucky, resident of Bhamiya Road, Ludhiana; Gurjinder Singh alias Goldy Grewal; Hakam Hussain alias Hakku Ali; and D'Souza. I have given my statement, which has been recorded and read out to me. It is correct. Signed: Jaswinder Verified by: Anil Kumar, ASI/191/LDH, Police Station Moti Nagar, Ludhiana, dated 21-09-2024."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that it is a case of version and cross-version and the petitioner has been falsely implicated in the present case on the statement of his brother Jaswinder Jindal i.e. the complainant. He further contends that the alleged injuries caused to the injured have not been caused by the petitioner as the petitioner was not at the place of the incident which is clearly stated by the complainant himself in the FIR as well as photographs along with CCTV footage at the time of incident as is evident from Annexure P-3. It has been contended on behalf of the petitioner that his co-accused namely Gurjinder Singh and Lakhwinder

Singh have already been granted the concession of interim anticipatory bail by the Hon'ble Supreme Court as well as this Court vide orders dated 16.12.2024 (Annexure P-4) and 07.01.2025 (Annexure P-5) respectively.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

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 and opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is the main accused and the allegations against the petitioner are serious in nature.

4. **Analysis**

Be that as it may, considering the fact that co-accused namely Gurjinder Singh and Lakhwinder Singh have already been granted the concession of interim anticipatory bail by the Hon'ble Supreme Court as well as this Court vide orders dated 16.12.2024 (Annexure P-4) and 07.01.2025 (Annexure P-5) respectively added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

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

21.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No