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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13008-2025

DATE OF DECISION: 10.03.2025

GURWINDER SINGH ALIAS GINDA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Ramandeep Kaur, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in FIR No.30 dated 08.06.2024 (Annexure P-1) under Sections 325, 323, 34 IPC (added lateron Section 326 IPC) (Old); under Sections 115(2), 117(2), 3(5) B.N.S., 2023 (added lateron Section 118(2) of B.N.S., 2023 {New}, registered at Police Station Samalsar, District Moga.

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

‘Statement of Sukhdev Singh aged about 52 years son of Mukhtiar Singh son of Ghumand Singh, resident of Bhular, Mb. No. 9815217271, Stated that I am resident of above address and doing labour work. On 2.6.2024, I was going back to my house



after my job. When I reached Garib Dass Dharamshala, then it was about 8:00 PM of night, then Sandeep Singh son of Bohar Singh armed with Kulhari, Billi Singh son of Bohar Singh armed with sword, Bittu Singh son of Kaka Singh armed with Khanda and Ginda Singh son of Major Singh armed with sword, residents of Bhular were already standing there. On seeing me, Billi exhorted Lalkara 'caught hold of him, today he should be spared' then during this Sandeep Singh attacked with his Dasti Kulhari, which hit me on right hand, then Billi Singh attacked with his dasti sword on me, which hit on my right arm, then Bittu attacked with his dasti sword on me, which hit on my left arm. Then I fell down. Then attacked with his dasti Khanda on me while I was lying down, which hit in my back. They also suffered injuries on my brother Simbal Singh. We both the brothers, shouted (raised raula/alarm) 'Marta Marta'. Then all of them ran away from the spot along with their respective weapons. Then my brother Santokh Singh came to the spot after hearing cries. He arranged conveyance and got us admitted at Civil Hospital, Moga, where I am under treatment. Reason behind the grudge is that some time ago I had a fight with Sandeep Singh, regarding which case is pending in Court. Due to this they suffered injuries upon us in connivance with each other. Due legal action be taken against them. Statement has been recorded to you, I have heard and found the same as correct. LTI Sukhdev Singh, ascertained by LTI Simbal Singh, verified by Sd/-Sikander Singh SI 05.06.2024. PS Salamsar.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. It has been submitted that the petitioner has not committed any offence as alleged in the FIR. The offence under Section 326 of the Indian Penal Code



(IPC) was subsequently added in order to convert the offence into a non-bailable one. It has been contended that there are no grievous injuries on any vital part of the body of the injured. Moreover, it is submitted that since there is nothing to be recovered from the petitioner, the custodial interrogation is not required. She points out that the petitioner has been implicated in the present case due to some earlier fight with the complainant and to put pressure upon the petitioner to not to pursue that case, he has been nominated in the present FIR. In light of these submissions, it is prayed that anticipatory bail be granted to the petitioner.

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

Notice of motion.

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 and prays for dismissal of the petition in view of the seriousness of the offence committed by the petitioner as the petitioner was armed with sword and caused injury on the back of the complainant by giving khanda blow which hit on the back of the complainant when he was lying on the ground.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the extent that no grievous injuries on any vital part of the body of the



injured person has been attributed to the petitioner, moreover, nothing is to be recovered from the petitioner, and also, there is an another case pending between the parties, therefore the probability of false implication of the petitioner in the present FIR cannot be denied, hence, this Court finds no cogent 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 co-operate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

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

10.03.2025
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No