

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:067033



213

CRM-M-14642-2025
Date of decision:19.05.2025

Sukhraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Sidhu, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. R.S. Rana, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.08, dated 16.01.2025, under Sections 115(2), 118, 351(2), 191(3), 190 of BNS (Sections 118(2) and 117(2) of BNS added later on), registered at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

2. Brief facts relevant for purpose of disposal of this petition are that on 13.01.2025, an altercation had taken place between the accused Jaskaran Singh and one Manjit Singh S/o Ajmer Singh. Both of them were present for a mutual settlement in the village ground. The complainant also went there to mediate and tried to prevail good sense upon them. However, Jaskaran Singh felt offended and at once assaulted the complainant by

striking a blow with the sword that he was carrying in his hand. Co-accused - Karanveer Singh also struck an injury on the head of the complainant with a sword. They also assaulted him again thereby causing injuries. He was further assaulted by Jagga, Sukhjinder Singh and 3-4 unknown youths. He was badly injured and was taken to hospital. On his statement, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 05.02.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific role has been attributed to him. He himself is a specially abled person suffering from 35% permanent disability in his right forearm and hand and is not in a position to assault anyone. There is delay of 03 days in lodging of FIR which has created a doubt about the genuineness of the prosecution story. The offence under Section 118(2) of BNS was added initially but the same has been deleted now. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these broad submissions, it is urged that he deserves to be extended the benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the petitioner was named in the FIR. By forming unlawful assembly with the co-accused, he had opened an assault upon the victim and had caused injuries to him. The allegations against him are serious in nature. His custodial interrogation is must for proper

investigation. Accordingly, it is urged that petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. The offence under Section 118(2) of BNS was added initially but the same has been deleted now. The subject offences are triable by the Magistrate. Given the nature of allegations, this Court is of the opinion that pre-trial incarceration of the petitioner is not required and a case is made out for grant of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

7. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

8. Pending application(s), if any, shall also stands disposed of.

(MANISHA BATRA)
JUDGE

19.05.2025

harjeet

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