



108

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16991-2025

Date of decision: 27.03.2025

Karan @ Kanni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.17 dated 27.01.2025 under Sections 115(2), 118(1), 109,191(3), 190 of BNS, Sections 25 and 27 of Arms Act, 1959 registered at P.S Rama Mandi, Police Commissionerate, Jalandhar.

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

“ Statement of Gurwinder Singh S/o S. Balwinder Singh R/o H.No.1, Kalgidhar Avenue Extension, Mithapur, Jalandhar aed about 34 years. MobileNo.96152-00006. Stated that I resident of aforesaid and posted as ASI, CIA Staff, Commissionerate Jalandhar in the Police Department. On 25.01.2025 I alongwith ASI Balkar Mattu No.2197/Jalandhar and head constable Lalit Kumar No.491/Jalandhar reached Dhankia Mohalla in connection with investigation and search of accused in FIR No.08 dated 15.01.2025 under Section 221, 132, 109 BNS 25, 27, 54-59 of ArmS Act, PS Bhargo Camp Jalandhar. When we reached Dhankiya Mohalla and were inquiring about the bad elements then Dharminder S/o Mohan Lal R/o Baldev Nagar, Jalandhar, Ravi Kumar S/o Rajinder Kumar R/o H.No.888774 Mohalla Baldev Nagar, Jalandhar, Manish S/o Vikram R/o Vinay Nagar, Jalandhar, Chela R/o Baldev Nagar, Jalandhar, Vijay R/o



Baldev Nagar, Jalandhar, Sonu R/o Baldev Nagar and 10-12 persons who were armed with deadly weapons reached at the spot and surrounded us. They started arguing with us without any reason and started saying that how dare you entered our mohalla. I tried to make them understand that we have come to inquire about criminal persons in connection with a case and you do not argue with us without knowing the reasons do not interrupt in our duty. On making understand time and again them they did not understand and Shekhar S/o Mohan Lal raised a lalkara to catch hold and to kill them so that in future CIA staff personnel do not dare to enter our mohalla. The aforesaid persons started giving beatings to us. Shekhar S/o Mohan Lal gave a blow on my head with some sharp iron weapon due to which I suffered a serious injuries on my head. Akash Sahota gave a blow with some heavy weapon on my right ear due to which I suffered injury on my ear. On account of inflicting of the injury my hearing power got reduced. They also inflicted injuries to my associate Head Constable Lalit Kumar with an intention to kill him. The persons present at the spot also gave many injuries to me. Due to which I suffered internal injuries. Dharminder S/o Mohan Lal R/o Baldev Nagar, Lamba Pind, Jalandhar and Karan Kumar @Kanni R/o Dhankia Mohall, Jalandhar also inflicted injuries to my associate Lali Kumr No.491/Jalandhar on his head with an intention to kill him due to which Lalit Kumar suffered two deep cuts on his head. During this whole incident our associate ASI Balkar Mattu tried to save us from their clutches but even then they also kept on inflicting injuries. Only by chance ASI Balkar Mattu was got saved from their clutches. On hearing our alarm for help, the people from the surrounding gathered on the roofs of their houses but on account of fear nobody came forward but on seeing people gathering they all ran away from the spot alongwith their respective weapons. While running one of them fired shot in the air in order to scare others. On which ASI Balkar Singh after arranging the vehicle got us admitted to Johal Hospital where the doctor provided treatment to us and issued MLR. Till now we were in a state of shock and were under the effect of medicines. and therefore we were not in a position to record the statements. Now we have disclosed the truth to you. Legal action be taken against these persons. I have got recorded my statement and



have heard it which is correct. Sd/- Gurwinder Singh ASI verified by Germanjit Singh ASI, PS Rama Mandi Jalandhar dated 27.01.2025. Action taken by police: Today 1 ASI alongwith ASI Jorawar Singh 1965, ASI Jatinder Kumar 62, S/CT Paramjit Singh 666 are present in the police station staht Gurwinder Singh aforesaid came present at PS and got recorded his aforesaid statement. Gurwinder Singh aforesaid after admitting his statement to be correct signed below the statement in English which was verified by me ASI. On MLR No.AC/09/2025 of Gurwinder Virk, Doctor has shown 6 injuries. Doctor has written injury No.1 sharp and remaining injuries as blunt and injury No.1, 2 kept under observation and injury No.3,4,5,6 shown as simple. On MLR. No.AC/10/2025 of Lalit Kumar Doctor has shown 5 injuries, that doctor declared injury No.1 and 2 sharp and injuries No.3, 4, 5 as blunt and injury No.1, 2 shown as observation and injury No.3, 4, 5 were shown as simple. From the statement and result of MLR offence under Section 115(2), 118(1), 109, 191(3), 190 BNS 25/27-54-59 Arms Act is found to be have been committed. On which for registering the FIR statement is handed over to MHC PS. After registration of the FIR number be informed. After issuance of special reports be sent to the Magistrate and senior officers. Control room be informed. I ASI alongwith associates and complainant heading toward at the place of occurrence. Today at the area: PS Rama Mandi Jalandhar at: 08.55 PM Sd/ Germanjit Singh ASI PS Rama Mandi Jalandhar dated 27.01.25. Today at PS: On receipt of aforesaid writing at PS, case after registration under the aforesaid sections and Act, original writing alongwith copy of FIR through special messenger S/CT Amandeep Singh 1987 is being sent to concerned ASI Germanjit Singh 1718 for investigation. SHO and police control room was informed through telephone. After issuance of special reports were sent through by hand CT Hariom Thakur 2219 to the Magistrate Jalandhar and Senior Officers. Compliance Report No.31 dated 27.01.25. ”



3. **Contention**
On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the instant FIR as there is delay of more than 02 days in registration of the FIR and that the complainants in the present case are the police officials. Counsel further contends that false story was concocted in the instant case and baseless allegations have been levelled just to falsely rope the petitioner in the present case as no role has been attributed to the petitioner.

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, who does not controvert the aforesaid facts and could not put forth any incriminating evidence to substantiate the provisions of Section 110 of BNS.

4. **Analysis**

Be that as it may, learned State counsel could not point out from the material documentary evidence that the injuries attributed to the petitioner have been declared as dangerous to life. Though two injuries are attributed to the petitioner on the head of Head Constable Lalit Kumar out of which one is stated to be caused by sharp edged weapon is only an incised wound and taking note of the facts that the custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him, this Court finds no cogent reason to deny the concession of bail to the petitioner.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation



of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.03.2025
manoj

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |