

2025:PHHC:045046



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

**CRM-M-18066-2025
DECIDED ON: 03.04.2025**

JOGA SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kamal Gupta, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0410 dated 21.09.2023 under Sections 452, 324, 323, 148, 149 "Sections 325, 326 added later on" of Indian Penal Code, 1860 Police Station Goindwal Sahib, District Tarn Taran (Annexure P-2), keeping in view the facts, circumstances and grounds enumerated in the present petition as well as in the interest of justice.

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

“Statement of Chhinda Singh son of Lakha Singh son of Gurdit Singh, resident of Dehra Sahib, Luhar, age about 45 years, Mob. No: 76580- 42854. Stated that I am a resident of the above stated address and doing agricultural work. On 06.09.2023, at around 09:00 pm, I and my mother Parkash Kaur wife of Laikha Singh, were lying on the folding beds in the courtyard of our house. The

light in our courtyard was on. In the meantime, Dilbag Singh ailies Baggi son of Joginder Singh armed with Datar, Joga Singh son of Joginder Singh armed with Kirpan, Jasher Kaur alias Bhajan wife of Dilbagh Singh armed with Daang, resident of johal Dhai Wala, Joginder Singh alias Babu son of Hazara Singh, resident of Luhar, Dilbagh Singh son of not known, resident of Bhathal Sehja Singh armed with Datar, Dilbag Singh's son, resident of Bhathal Sehja Singh armed with Kirpan, entered into my house. As soon as they came. Joginder Singh alias Babu raised lalkara that today teach lesson to Chhinda and his mother for taking land. Hearing the lalkara, Dilbag Singh alias Baggi with Datar in his hand hit me on my right shoulder. Secondly, Joga Singh with Kirpan in his hand gave a blow to me, which hit me on my right chest. The pain of blows was unbearable, so I fell down from the folding bed. When I was lying down, then Dilbag Singh, resident of Bhathal Sehja Singh with Datar in his hand gave a blow on my neck, which hit on the right side of my neck. Dilbag Singh Bhathal's son with Kirpan in his hand gave a blow to me, the backside of my Kirpan hit on my waist. Upon hearing my cries, my mother Parkash Kaur came forward to save me. Then Jasbir Kaur alias Bhathal with Daang in her hand, gave two blows to my mother Parkash, which hit on my mother's right wrist and right hip bone. Me and my mother raised hue and cry, our neighbors heard our cries, then Balkar Singh son of Pritam Singh and Jagtar Singh son of Balkar Singh, came to the spot. Seeing them, the above said assailants ran away from the spot along with their weapons. I called my son-in-law Gurjant Singh son of Subeg Singh, resident of Khela, who arranged a vehicle and admitted us to the Sarahali Hospital. The reason behind the enmity is that we have a land dispute going on with this party. Till now, the respected people and relatives of our village have been trying to get our compromise effected, but it has not been resolved. Not you met me and I have recorded my statement before you. I am claimant, action should be taken. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is unexplained delay of 15 days in lodging the FIR. He further submits that the only injury attributed to the petitioner is with Kirpan on the right side of the chest and the same has been declared simple in nature as per the medico legal report (Annexure P-1)

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner being armed with a Kirpan and the other co-accused persons armed with weapons attacked upon the complainant and his mother. Though, he could not controvert the fact that the injury attributed to the petitioner is declared as simple in nature.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the injury attributed to the petitioner is on the right side of the chest has been declared as simple in nature as per the medico legal report (Annexure P-1) and the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents. Moreover, there is unexplained delay of 15 days in lodging the FIR.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the

investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, 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

03.04.2025

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No