



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CRM-M-18766-2025

DATE OF DECISION: 04.04.2025

PARTAP SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Pandit, 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 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 88 dated 28.07.2024 U/s 115 (2), 118 (1), 118 (2) 127 (1), 3 (5) BNS, 2023 (Offence U/s 118 (2) added later), P.S. Majitha District Amritsar (Rural).

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

‘Statement of Jagir Kaur wife of late Bhag Singh, resident of Pandher Kalan, police station Majitha aged about 70 years mobile no.99157-00864 stated that I am resident of above said address and house wife. My husband Bhag Singh died about 04 years and I have five children, 02 are girls and 03 boys and all



are married and have children. Our residence is situated in fields, where I live with my sons where the two other houses belong to Virsa Singh and Partap Singh, who are my brothers-in-law and they live with their families there. We have 06-1/2 acres joint land here, which is in the name of my husband Bhag Singh and his brothers Virsa Singh and Partap Singh. After the death of my husband Bhag Singh, the share of the land of my husband falls in the name of my three sons. Since no partition of this land has taken place there was a dispute between the three families on the pretext of irrigating the land and many times the respectable persons have got our compromise effected, but whenever it is time to sow paddy, there is a dispute. A common motor installed in this land by the three brothers, but I had still got my own new borehole installed, in order to avoid the quarrel. On dated 22.07.2024 I was building the watercourse with my grandson Mehakpreet Singh and son Rashpal Singh in order to start my new borehole. This borehole is situated next to the haveli of my house. At about 11:00 AM, Partap Singh who is my brother-in-law came and starting cutting our watercourse with a spade. When I stopped him from cutting the watercourse then he started shouting. After hearing his shouting his son Harpal Singh armed with datar also came there and gave his datar blow on my grandson Mehakpreet Singh. I came forward to save him and the datar blow hit on the right back side of my head. At that moment, Partap Singh also gave the spade blow upon me from the side of the handle, which hit on my right shoulder, due to which I fell on the ground. My grandson and my son picked me up and brought me to home. Then Partap Singh and his son Harpal Singh again entered our house and threw bricks, due to which the glass of my lobby door broke and one of the brick hit the right leg of my daughter-in-law namely Rajwinder Kaur. Then we raised alarm (mar dita mar dita), then the father and son ran away from the spot. Then my son Rashpal Singh and grandson Mehakpreet Singh arranged the vehicle and



got me admitted to civil hospital, where the doctor treated me and prepared the MLR. Statement has been recorded and heard and same is true. Legal action be taken against them. Sd/- Jagir Kaur.'

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. He submits that as per allegations, the petitioner who is 70 years of age, gave blow with wooden side of the spade which hit on the right shoulder of the injured and that injury is declared to be simple in nature. He further submits that the dispute which revolves around the land owned by the parties, is among the close relatives as the complainant is real sister in law of the petitioner. It is further contention that there is unexplained delay of six days in lodging the FIR.

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 stating that the petitioner is specifically named in the present FIR and the weapon used by the petitioner is yet to be recovered.



4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that the dispute is related to some land and is between the close relatives and the injury attributed to the petitioner is declared to be simple in nature and also considering the fact that there is unexplained delay of six days in lodging the FIR, this Court finds no 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 cooperate 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

04.04.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No