

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 106

Criminal Miscellaneous No.M-19760 of 2025**Date of Decision: April 09, 2025**Balwinder Singh Pandey

..... PETITIONER(S)

VERSUSState of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Ankit Rana, Advocate, for the petitioner.**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.228 dated 13.10.2024 (Annexure P-1), under Sections 115(2), 118(1), 351(2), 190, 191(3) of BNS, registered at Police Station Samrala, District Khanna.

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

“Statement of Harkaran Singh son of Bhalwinder Singh resident of village Madpur, Police Station Samrala District Ludhiana aged about 20 years, mobile No. 94657-72511, I would like to state that I am resident of resident of above noted address and I am agriculturist by occupation. Yesterday n 12.10.2024 I went to see the Dussehra festival at Samrala on my motorcycle bearing registration No. PB43-E-6591 make CT-100 and after looking programme, I was going back to my house and when I reached at some distance ahead from Samrala near Chehlan bridge, then Harpal Singh son of Daleep Singh resident of Chehlan met me. I stopped my motorcycle and started talking to him then at around 9.30 PM, three cars make Swift colour white, Scorpio colour white bearing registration UP12-BU-6782 and one black colour car bearing registration No.PB23-M-2544 stopped near to us, Babbu resident of Samrala, Moji resident of Samrala, Sandeep Khalsa resident of Rajwal, Summy resident of Bodal road Samrala, Jota resident of Bodal road Samrala, Seeta resident of Balio, Kalu resident of Samrala Panda resident of Machhiwara Sahib along with 4-5 unknown persons came out



from the said cars and they were armed with Kirpans and Dandas and on looking me, they said that today we will not let you go dry. They started beating me, they given blows with their Kirpans and Hand to me. Harpal Singh came forwarded to save me, they told him that if you tried to help him then we will also cause loss to you, one person out of them had given a blow of heavy item on my head, due to which, bleeding started from my head and I fell down on the ground, they caused unseen injuries with their Kirpan etc. on my body. I raised my noise "Bachao Bachao" then the said persons ran away towards Samrala side in their cars by threatening to kill me. Harpal Singh above sald have arranged vehicle and got me admitted at Civil Hospital Samrala, where I am under treatment. The motive behind the incident is that earlier also some quarrel has occurred between me and them, due to which, they have beaten me. Strict legal action be taken against them. Sd/- Jaskaran Singh supported by Sd/- Paramvir Singh 97000-37007, attested by Sd/- Avtar Chand, ASI, Police Station Samrala Dated: 13.10.2024. Palice proceedings:

Today myself ASI was present in the Police Station then MHC of Police Station has given me MLR No. 130/DRS/HT/SML/24 dated 12.10.2024 of injured Harkaran Singh son of Bhalwinder Singh resident of village Madpur, Police Station Samrala District Ludhiana, therefore myself ASI along with CT Rajnish Kamboj No. 638/Khanna and PHG Palwinder Pal No. 17891 reached at Civil Hospital Samrala to take action in this regard and obtained written opinion of the doctor to record the statement of injured Harkaran Singh and the doctor declared the injured to be fit for statement. Therefore myself ASI reached near the bed of injured Harkaran Singh, where he got recorded his above said statement to myself ASI, after recording his statement, read over to him, who, after hearing his statement and admitting the same to be correct, appended his signature in English on the bottom of statement, Paramvir Singh son of Harpreet Singh resident of village Mutto Police Station Samrala District Ludhiana has appended his signature as witness and I have attested the same. In MLR, the doctor has written six injuries, injury No. 1,2,3, 9 are blunt, injury No. 4,5,6,7,8,9 are written as sharp, Injury No. 1,2 kept for CT Scan of head and injuries No. 3 and 7 are kept for X-ray. As per MLR and statement, the offence under section 115(2), 118(1), 351(2), 190, 191(3) of BNS, 2023 is made out against Babbu resident of Samrala, Moji resident of Samrala, Sandeep Khalsa resident of Rajwal, Summy resident of Bodal road Samrala, Jota resident of Bodal road Samrala, Seeta resident of Balio, Kalu resident of Samrla Panda resident of Machhiwara Sahib along with 4-5 unknown persons, therefore the statement is being sent to the



Police Station by the hand of PHG Palwinder Pal No. 17891 for registration of case, after register case, number of the same be intimated. DCR Khanna and senior officers be intimated. Myself ASI along with associate officials going to the place of incident.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no recovery is to be effected from the petitioner. He would submit that no incriminating role is coming forth and as per the FIR, the accused persons had come at the spot in three vehicles and the said vehicles have already been recovered. He further submits that co-accused, namely, Sandeep Singh @ Sandeep Khalsa, and Kulvir Singh @ Kullu have been granted regular bail by the trial Court itself vide Annexure P-2; and co-accused Simranjeet Singh @ Shammi has been granted the same relief by this Court vide order dated 01.04.2025 passed in CRM-M-17727 of 2025.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has actively participated in the crime.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was empty handed at the spot and no role is attributed to the petitioner and the injury suffered by the complainant is with sharp edged weapon on the head



which is attributed to co-accused Amandeep Singh, who is in police custody and the fact that the co-accused namely Sandeep Singh @ Sandeep Khalsa and Kulvir Singh @ Kullu have already been granted the concession of bail by the trial Court vide order dated 10.3.2025 (Annexure P-2); and co-accused Simranjeet Singh @ Shammi has also been granted the same relief by this Court vide order dated 01.04.2025 passed in CRM-M-17727 of 2025; nothing has been recovered from the present petitioner added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

Hence, in the light 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, 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

April 09, 2025
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>