



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M-20880-2025
DATE OF DECISION: 24.04.2025

DHARMINDER

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Sandeep Arora, Advocate for the petitioner(s).

Mr. Jastej Singh, DAG, 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 case FIR No.17 dated 27.01.2025 U/s 115(2), 118(1), 109, 191 (3), 190 of BNS, Section 25, 27 of Arms Act, 1959 Police Station, Rama Mandi, Police Commissionerate Jalandhar

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

‘Statement of Gurwinder Singh S/o S. Balwinder Singh R/o H.No.1, Kalgidhar Avenue Extension, Mithapur, Jalandhar aged about 34 years. Mobile No.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 along with their respective weapons. While running one of them fired short 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 along with ASI Jorawar Singh 1965, ASI Jatinder Kumar 62, S/CT Paramjit Singh 666 are present in the police station. 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. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and that the complainants in the present case are the police officials. He submits that there is delay of more than two days in registration of the FIR. He seeks parity with the co-accused Karan @ Kanni who has already been granted concession of anticipatory bail vide order dated 27.03.2025 passed in CRM-M-16991-2025.

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 present petitioner and co-accused Karan Kumar caused injuries on the head of the Ct. Lalit Kumar with an intention to kill, however, not in a position to controvert the fact that the petitioner is at parity with the co-accused Karan who has already been granted anticipatory bail, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the facts that there is delay of more than two days in registration of the FIR and co-accused has already been granted concession of anticipatory bail, moreso, nothing is be recovered from the present petitioner, hence, 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

24.04.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No