

2025.PHHC:069047



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25963-2025
DECIDED ON: 22.05.2025

INDERJIT KAUR AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka , 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 petitioners in FIR No.133, dated 06.10.2023, under Sections 307, 323, 148, 149 of IPC, 1860 and Section 302 and 34 of IPC added later on, registered at Police Station Sangat, District Bathinda, Punjab.

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

“Copy of statement-statement of Jagjit Singh alias Kala aged about 29 Years son of Gurcharan Singh resident of Dhunike, District Bathinda; Mob. 9877194007. Stated that I am resident of above address and does Labour work. We have an ongoing dispute with Ram Singh son of Vijay Singh resident of Dhunike etc. regarding street and in this regard enquiry was pending with BDPO, Sangat and in this connection it was verbally stated by the Office of BDPO, Sangat to remove soil from the street and to took out Khadvajja. Therefore, Yesterday on dated 05.10.2023 at about 10 AM, when I and my father Gurcharan Singh,

Uncle (Chacha) Baldev Singh, Pritpal Singh & Jaswinder Singh were about to dug soil in the street, then our neighbour Ram Singh son of Vijay Singh armed with axe, Vijay Singh son of Jagir Singh armed with Dang, Sandeep Singh son of Ram Singh armed with Rod and Inderjit Kaur wife of Ram Singh armed with Fohda and Gurvinder Singh son of Baggu Singh armed with Danda came to us and Vijay Singh exhorted Lalkara that lets teach them a less for clearing street. Then Ram Singh with his dasti Axe attacked directly towards the head of my father Gurcharan Singh with an intention to kill him, which hit near his forehead on the right side, then Vijay Singh attacked with his dasti dang on the mouth of my father, Sandeep Singh attacked with his rod on the left arm of my father. Inderjit Kaur attacked with Fohda on the back of my father, Gurwinder Singh attacked with his dasti Danda on the eye of my father. My father Gurcharan Singh fell unconscious and all of them kept beating him while he was laying down, when we raised raula 'do not beat do not beat (Na Maro Na Maro)', then all the aforesaid attackers fled away from the spot along with their respective weapons. Then I arranged conveyance and got admitted my father at Civil Hospital, Ghuda, where he was referred by Doctor to CH Bathinda and CH Bathinda immediately referred him to Aims Bathinda. Then we got admitted our father at Aims Bathinda, where he is under treatment. Reason behind the grudge was the dispute regarding street. Strictest legal action be taken against the aforesaid persons. Statement has been recorded. Sd/ Jagjit Singh aforesaid ascertained by Sd/ Baldev Singh son of Bachan Singh, verified by Sd/- Gurdit Singh ASI,"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners submits that they have been falsely implicated in the present case. It is submitted that the injury allegedly caused by petitioner No.1 is a 'fohra' blow to the back of Gurcharan Singh, while the injury attributed to petitioner No.2 is a rod blow to the left hand of the said complainant. Both injuries are on non-vital parts of the body and have not been declared as dangerous to life. The counsel further submits, on behalf of the

petitioners, that they are ready and willing to cooperate with the investigation and will join the same as and when required.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jastej Singh, Addl. AG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the allegation against the petitioners are serious in nature, therefore, their custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that matter involves debatable issues which are to be adjudicated by the trial Court after the examination of witnesses, particularly in the light of the fact that both the petitioners were declared innocent by the police during the course of investigation, but have been summoned thereafter under Section 319 Cr.P.C. The purpose of any custodial interrogation at this stage is not available with the State, since challan stands presented and the petitioners have been summoned by the trial Court midway of the proceedings pending before it and the guilt of the petitioners is yet to be proved.

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 petitioners are directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do 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

22.05.2025

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No