

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

Sr. No.: 102

Criminal Miscellaneous No.M-29103 of 2025**Date of Decision: May 26, 2025**Ikbal Singh

..... PETITIONER(S)

VERSUSState of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Anil Kumar Garg, Advocate, for the petitioner.

Mr. Jastej Singh, Additional Advocate General, Punjab.

SANDEEP MOUDGIL, J (Oral)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.0092 dated 30.04.2025 under Sections 109, 333, 115(2), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 registered at Police Station, Sadar Dhuri, District Sangrur.

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

“Statement of Sukhchain Singh, son of Kulwinder Singh, resident of village Isra, Police Station Sadar Dhuri, aged about 21 years, mobile number 987735704, stated that I am resident of the above-mentioned address and a student of B.A. third year. My grandfather is an elderly man and takes medication regularly. On the date 28.04.2025, my grandfather Hemraj Singh was harassed by our neighbor Iqbal Singh son of Kuljeet Singh, resident of Isra. My grandfather objected to Iqbal Singh's inappropriate behavior. In response, my grandfather threw stick. Just then, Jagdeep Singh alias Kaka son of Baldev Singh, Balkar Singh son of Jagdeep Singh, Ars son of Kulwant Singh, Kuljeet alias Keeta son of Baldev Singh, and Iqbal Singh son of Kuljeet Singh came out of their houses and started verbally abusing. At that time, it was around 5/5:30 PM. I took my grandfather inside our house from street and shut the gate. The above-mentioned persons began to push and hit our gate. Since it was closed, they eventually returned to their houses. Later, around 6:00 PM, my father Kulwinder Singh returned home from his daily labor. When we opened the gate, Jagdeep Singh son of Baldev Singh who was having iron Dah in his hand, Balkar Singh having stick,



Aras son of Kulwant Singh having stick, Kuljit Singh @ Keeta having stick in his hands and on coming Jagdeep Singh @ Kaka attacked me with the intent to kill me with iron Dah directly on my head. I tried to defend myself, then he struck me again, this time on the left side of my head. Then Balkar Singh hit me on the back of my head with a stick. After that, Kuljeet Singh alias Keeta struck my father Kulwinder Singh on the head with his stick. Then Iqbal Singh, son of Kuljeet Singh, picked up a stick and entered our house. Then, Iqbal Singh struck my father with a stick, which hit his right shoulder. After that, my brother Gagandeep Singh and my mother Krishna ran forward to rescue us. At that moment, Aras's mother and Charanjit Kaur, wife of Kuljeet Singh, also entered our house. Both of them grabbed my mother by her hair. Then Aras, son of Kulwant Singh, struck my brother on the head with a stick. After that, Kuljeet Singh hit my mother on the head with a stick. Aras's mother and Charanjit Kaur then picked up tong (Chimta) and a fire blower (Fookni) (used for stoking fires) from our house and struck my mother, hitting her left arm. Then Iqbal Singh again hit me with a stick, this time behind my right ear. Kuljeet Singh also struck me with a stick, hitting the left side of my nose. I fell unconscious and collapsed on the ground. My brother Gagandeep Singh was also badly beaten. We raised an alarm, shouting for help. Upon hearing the noise, local people gathered, and then all the accused fled the scene along with their weapons. Later, my uncle Sawanpreet Singh came from Malerkotla and took us in his car to Civil Hospital Dhuri for medical treatment. After receiving first aid at Civil Hospital Dhuri, I was referred to Civil Hospital Sangrur. The next day, i.e., on 29.04.2025, my father, mother, and brother were also referred to Civil Hospital Sangrur, and all four of us are currently under treatment there. Today I am giving this statement to you, which has been read back to me and is correct. Proper legal action should be taken against the mentioned accused persons. The reason for the grudge is that my grandfather Hemraj, who is elderly and takes psychiatric medication, is often verbally abused by the accused, which led to them attacking us and causing these injuries. This statement has been given in the presence of my parents and brother.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that they have been falsely implicated in the present case. Nothing is to be recovered from the petitioner. The petitioner is ready and willing to participate in the investigation and cooperate with the investigating officer, as has been undertaken before this Court by their learned counsel.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jastej Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent-State and vehemently opposes the grant of anticipatory bail on the ground that petitioner alongwith other accused persons has formed unlaw assembly and tried to inflict injuries on the complainant.

4. Analysis

Be that as it may, considering the fact that specific injury attributed to the petitioner is on the right shoulder which is stated to be recorded as grievous in nature in MLR as has been pointed by learned State counsel. Though he could not refer to the intensity of injury. On mechanical perusal of the MLR (P-3) at page No.35, injury No.3 is the one which categorically records shoulder injury as 'reddish abrasions'. Therefore, since nothing seems to be recovered from the petitioner at the behest of investigating agency and he is ready to join the investigation, custodial interrogation of the petitioner is not required.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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

May 26, 2025
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>