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2025:PHHC:073034



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29771-2025
DECIDED ON: 28.05.2025

SIMRANJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS for release the petitioner on anticipatory bail in a case FIR 46, Dated 02.05.2025 U/S 115(2), 61(2), 191(3), 190, 298 of BNS registered at PS Sadar Gurdaspur Distt Gurdaspur.

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

“Statement of Manjit Singh S/o Dyal Singh resident of ward No,. 13 Jaswant Rai Wali Gali Dadwan Raod Dhariwal PS Dhariwal Distt Gurdaspur aged about 70 years Mb. No. 7696127731. It is stated that I am the resident of above mentioned address and studied upto 10 class and Amritdhari Sikh for the last 20 years. I am living my life as per sikh rites. I have one plot about 15 Marla in Village Jeewanwal Highway Batala road, having one shop in 4 marla. I rented

out the same about 5 year back to Simranjit Singh S/o Raghbir Singh resident of Gobind Nagar PS City Gurdaspur and he forcibly taken the possession of remaining 11 marla land and also after few time he also stopped paying the rent. Rather Simranjit Singh S/o Raghbir Singh filed a civil suit filed against me for not getting vacated the land and plot in Civil Court, Gurdaspur. I produced all the documents in regard to my land in the Court through my counsel. That the Civil Court decided the case of 15 Marlka land in my favour vide judgment dated 05.02.2024 and the Court of Sh. Chandan Hans ordered to take possession of the land. As per the order of the Court on 19.04.2025, judge saab send employee Baljinder Singh with me on the spot to the possession. Then Kuldip Singh Ex Councilor Dhariwal also came on the spot. When to reached near shop counter two sikh person were sitting, the court employee Baljinder Singh asked them about the name and address who tild their name as Gurpreet Singh @ Fauji S/o Harbhajan Singh and second person disclosed his name as Harbhajan Singh S/o Bakhshish Singh resident of Jeewanwal PS Sadar Gurdaspur. Then the employee Baljinder Singh who accompanied us enquired them about Simranjit Singh S/o Raghbir Singh resident of Gobind Nagar PS city Gurdaspur and also get them familiar with the court order. Then Gurpreet Singh aforesaid called Simranjit Singh aforesaid and narrated entire thing on phone, then Gurpreet Singh told us to wait Simaranjiit Singh aforesaid is coming. After few time 7/8 young persons came on the spot, then I enquired about Simranjit Singh from Gurpreet Singh, then again Gurpreet Singh called Simranjit Singh on telephone, after hearing the phone, Gurpreet Singh came into anger and said after raising Lalkara that Bhaji Simranjit Singh told on phone that Caught hold Manjit Singh who claimaing a so called Amritdhari. After hearing Lalkara I tried to slip on the side. Then the young person send by Simranjit Singh caught hold me. Then Gurpreet Singh aforesaid caught hold me from my

beard and started giving me slaps and the clean shaven removed my turban and thrown on the ground and gave me beating and then one young person took out datar from dub of his trouser and gave blow upon me which hit on my back then Harbhajan Singh also gave me beating and caught hold me from my hair and throw me on the ground and gave me kick blow. Then the passerby gathered there and all the assailants sloped away from the spot with their respective weapons. Then my brother Kuldip Singh got me admitted to Civil Hospital Gurdaspur, where Doctor conducted my medical and gave me treatment then on the next day I got discharge from the Hospital, then I came to know that the person who removed my turban, his name was Jeewanjot Singh @ Jwala S/o Balwant Singh resident of Village Jawar PS Sadar Gurdaspur and the person who gave me two three datar blow whose name is Surinder Singh @ Sonu S/o Prem Singh resident of Bajje Chak PS Tibber and the other three/four unknown person who gave kicks blow whose name are ravi @ Maman So Kulwant Mash R/o Bajje Chak PS Tibber and the entire occurrence was done under the conspiracy of Simranjit Singh and executed by Gurpreet Singh, Harbhajan Singh, Jeewanjot Singh @ Jwala, Surinder Singh @ Monu, Ravi @ Maman and three/Four unknown persons. Action be taken against aforesaid persons. I have recorded my statement to you, heard which is correct. Sd/ Manjit Singh Attested Sd/ Naresh Kumar ASI PS Sadar Gurdaspur 02.05.25”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of 13 days in lodging the instant FIR as the occurrence took place on 19.04.2025 whereas the FIR was registered on 02.05.2025. He further contends that the petitioner is not a habitual offender as he is not

involved in any other case. It has been further contended that admittedly the petitioner was not present at the spot and there is no cogent material available with the prosecution to connect the petitioner with the alleged commissioning of the offence. The petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner was a tenant to the premises though himself was absent but through his muscle man got beaten up the complainant who has received various injuries, though the said injuries have been declared simple in nature.

4. **Analysis**

Be that as it may, there is no direct or cogent material putforth by the prosecution to connect the petitioner with the alleged commissioning of the offence, as admittedly he was not present at the spot and *prima facie* no attribution can be made to him and as per the circumstances unfolded before this Court during the course of hearing, custodial interrogation of the petitioner is not required at this stage.

Also considering the fact that there is an inordinate delay of 13 days in lodging the instant FIR as the occurrence took place on 19.04.2025 whereas the FIR was registered on 02.05.2025 as well as considering the undertaking given before this Court by learned counsel for the petitioner that

the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his 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 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, the order passed by this Court today shall automatically stand cancelled.

In the aforesaid terms, the present petition stands allowed.

28.05.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No