

CRM-M-34633-2024 (O&M) 1

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

214

CRM-M-34633-2024 (O&M)
Date of decision : 29.04.2025

BIKRAM MASIH @ VIKRAM MASIH @ MONU AND ANR

....PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Harkirat Kaur, Advocate for
Mr.Deepak Arora, Advocate
for the petitioners.

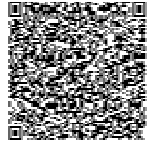
Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Amit Gupta, Advocate
for respondent No.2.

SANJIV BERRY, J.(ORAL)

The instant petition under Section 482 of BNSS, 2023, has been preferred by the petitioners seeking grant of anticipatory bail to petitioner No.1 in complaint case No.COMI/169/2021 dated 07.09.2021, titled as Tarsem Kaur Versus Baljit Masih @ Bitta and others pending in the Court of learned Judicial Magistrate 1st Class, Gurdaspur, under Sections 302/148/149/465/466/167/212/217/218 of IPC.

2. Learned counsel for the petitioners submits that in compliance to the order passed by this Court on 26.03.2025, the petitioner No.1 has



appeared in the trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 03.04.2024 passed by learned Judicial Magistrate Ist Class, Gurdaspur.

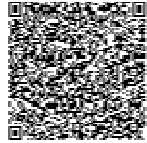
3. This aspect is not disputed by learned State counsel.
4. During the course of hearing on 26.03.2025, following order was passed:

“At the very outset, learned counsel for the petitioners submits that petitioner No.2 has already been arrested in case, as such, the petition qua petitioner No.2 has been rendered infructuous.

In view of the statement, petition qua petitioner No.2 stands disposed of as having been rendered infructuous.

Arguments heard.

Learned counsel inter alia contends that petitioner No.1 is innocent and has been falsely implicated in this case. He has referred to the proceedings carried out by the police under Section 174 CrPC on the statement of Raghbir Singh son of Gurdas Singh, being the father of the deceased, wherein it is mentioned that the deceased was taking liquor and on 01.10.2020 at about 09:30 AM, he had received a telephone call from one Gurbinder Singh intimating that Baljit Singh @ Bitta of his village has informed that Gurinder Singh was lying in his house in drunkard condition having minor bruises on his body. Accordingly the complainant Raghbir Singh along with his wife (present complainant-respondent No.2) had visited the house and taken their son to hospital where he was declared dead. He submits that this version is contrary to the version

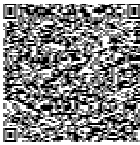


taken in the complaint filed by respondent No.2, wherein the petitioner No.1 has been summoned to face trial. He contends that even otherwise, there was no occasion for respondent No.2 to witness the occurrence, as is evident from Annexure P-6 the proceedings under Section 174 CrPC. He submits that even for the sake of arguments, the version given in the complaint qua attribution to the petitioner is taken, only simple injuries i.e. bruises are attributed to the petitioner, which are manifestly wrong. He submits that the petitioner No.1 is ready to face the trial.

Learned State counsel has referred to the reply filed by the State to submit that the proceedings under Section 174 CrPC were carried out by the police in accordance with law.

Learned counsel appearing on behalf of the complainant-respondent No.2 has assailed the arguments advanced by learned counsel for the petitioner by submitting that petitioner No.1 is not entitled to the concession of bail considering the gravity of the offence, however, he has not disputed that the proceedings under Section 174 CrPC were carried out on the statement of husband of respondent No.2, being father of the deceased.

Be it the case, without commenting on the merits of the case at this stage and also taking into consideration that petitioner No.1 has been summoned in the present complaint case where his custodial interrogation is not required, the petitioner No.1 is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 15 days from today. In that event, he is ordered to be admitted on



*interim bail on his furnishing bail bonds /surety bonds to the satisfaction of the concerned Court/Duty Magistrate.
List on 29.04.2025.”*

5. Keeping in view the fact that the petitioner No.1 has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 26.03.2025, passed by this Court, the present petition is allowed and the interim bail granted vide order dated 26.03.2025 is hereby confirmed.
6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

29.04.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |