

2025:PHHC:076443



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32925-2025
DECIDED ON: 20.06.2025

GURBAJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Singh Manaise , 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 petitioner in FIR No.158 dated 31.12.2024 under Sections 333, 118(1), 3(5) of BNS (Section 118(2) BNS added later on), PS Sultanwind, Amritsar.

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

“Statement of Sukhdev Singh son of Karam Singh resident of House No.J/15/1543, Khalsa Colony, Opposite Chatwal Petrol Pump, GT Road, Amritsar, aged about 54 years, mobile No.80543-61510. Stated that I am a resident of the above said address and I am running a kiriyana shop in my house. In my other house tenant Harmanpreet Kaur wife of Rohit Kumar resident of Khalsa Nagar, GT Road, Amritsar is residing. My neighbour Gurmilap Singh son of Kuldeep Singh resident of Khalsa Colony, GT Road, Amritsar used to tease my tenant- Harmanpreet Kaur. In this regard, I had stopped Gurmilap

from doing so on 25.12.2024. Then on 27.12.2024, I was about to consume meal in my shop at about 9:42 PM, when Gurmilap Singh above said came to our house and started saying bad words to me under influence of alcohol and scuffled with me. Later he fled back to his house. Then about 9:54 PM, Gurmilap Singh came armed with kirpan, his brother Gurbaj Singh armed with stick, Gurbaj Singh's brother-in-law along with Gurmilap Singh's father Kuldeep Singh came empty handed and Raja armed with stick came. The very moment Kuldeep Singh raised a lalkara that, "Catch hold of him and teach him a lesson for messing with us." Then Gurbaj Singh gave a stick blow to me, upon which I caught hold of the stick. Then Gurmilap Singh gave a kirpan blow to me, upon which I raised my right hand to save myself and the blow hit on the fingers of my right hand. Then Raja gave a stick blow to me, upon which I raised my left hand to save myself. Then Gurmilap Singh gave another kirpan blow to me, upon which I raised my left hand and the blow hit on the fingers of my left hand. Both my hands started bleeding. I raised cries, upon which all of them fled away from the spot with their respective weapons. In the meantime, my son Lovepreet Singh came to the spot, who arranged for a conveyance and after getting docket from the police station, took me to civil hospital, Amritsar for treatment where the doctor gave me first aid and issued my MLR. Then I was referred to Sh. Guru Nanak Dev Hospital, Amritsar. Due to serious injuries on my hands, I was got admitted at Sunrise Hospital, Amritsar where I am under treatment. The bone of contention is that 2 years back, Gurmilap Singh had hit his car in me and we had compromised the matter orally. Due to this grudge, I have been injured. I am claimant. Legal action be taken against them. I have produced my MLR before you. Statement has been read over, has been heard, is correct. Sd/- Sukhdev Singh LTI. Attested Bharatraj ASI, PS Sultanwind, District Amritsar. Dated 31.12.2024."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is an unexplained delay of four days in the registration of the FIR, as the alleged incident occurred on 27.12.2024, whereas the FIR was lodged only on 31.12.2024. It is further submitted that the only allegation against the petitioner is that he was holding a stick; however, the said stick was never used to inflict any injury, as it was allegedly taken into the

complainant's possession prior to any act of assault. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He does not controvert the submissions made by learned counsel for the petitioner rather candidly submits that no injury has been attributed to the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that admittedly no injury has been attributed to the petitioner and there is unexplained delay of 4 days in lodging the FIR added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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 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 stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.06.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>