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2025:PHHC:079124



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32166-2025
DECIDED ON: 04.07.2025

BHAG SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

Mr. Rakesh Kumar, Advocate for the complainant.

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.112, dated 15.06.2024, under sections 307, 452, 380, 336, 323, 427, 506, 148, 149 IPC of 1860 and sections 25, 27 of Arms Act, 1959, registered at Police Station Guruharsahai, Ferozepur.

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

“Statement of Hardeep Singh son of Harnam Singh, resident of Ran Panj Garain, aged about 63 years mb. No. 99146-66064. Stated that I am resident of above said address and agriculturist on dated

14.06.2024 at about 08.30am. I was casually talking with my family members at my home, then suddenly, I heard a noise of knocking of our iron gate, then I reached near the gate to open, then Raj Singh son of Kashmir Singh, r/o Rana Panj Garain, Bhag Singh son of Kashmir Singh, Chiman Singh son of Kashmir Singh armed with double barrel 12 bore, Sukhwinder Singh son of Bhag Singh armed with country made pistol, resident of Chak Rao Ke Hitar, Police station Lakho Ke Behram, Karan Singh @ Maur son of Raj Singh armed with kappa, Gurpreet Singh son of Raj Singh armed with sword resident of Rana Panj Garain, r/o Surjit Singh son of Chiman Singh armed with dang, Amarjit Singh son of Bhag Singh armed with Kappa, r/o Chak Rao Ke, Bittu Singh son of Mohinder Singh armed with sword, Mopi Singh son of Bittu Singh armed with kappa, Manjit Kaur wife of Bittu Singh armed with gandasi, r/o Dule Ke Nathuwala, Sunita Rani d/o Raj Singh armed with Axe, Surjit Kaur wife of Raj Singh armed with gandasa r/o Ran Panj Garain, Veero Bai wife of Harbhajan Singh armed with kappa, Harbhajan Singh son of Sona Singh armed with kappa r/o Chak Arain Wala, Amro Bai wife of Chiman Singh armed with sword, Harman Singh son of Sukhwinder Singh armed with sword, Mohinder Singh son of Kashmir Singh armed with sword, Karamjit Singh son of Kala Singh armed with sword. Harjinder Singh son of Malkit Singh armed with kappa, Baljinder Singh @ Saini son of Surjit Singh armed with kappa, r/o Chak Rao Ke Hithar, Harmesh Singh son of Gurmej Singh armed with 12 bore double barrel r/o Attuwala Chugge, Police station lakho Ke Behram, Sunil Kumar son of Mangal Singh armed with small gandasi, r/o Panje Ke Uttar, Raman Singh son of Karnail Singh, r/o Dhani Gurmukh Singh Wali, Dakhli No Behram Singh Wala and 30/35 unknown persons were forcibly entered into our house after breaking the iron gate of our house. On that Raj Singh raised lalkara that by saying that "you are helping your nephew namely Harjinder Singh etc. and will not allow us to take possession over the land of Kaushaliya Devi. Today we will kill your whole family", then Bhag Singh said to his brother Chiman Singh that their whole family be shoot with the bullets. On that Chiman Singh fired a shot with 12 bore gun, which belongs to Bhag Singh, directly towards me with intention to murder me and I hurriedly move aside, and the fire shot hit upon the middle finger of left and upon the index finger and pallets of the bullet also hit upon the gate. Then Gurpreet Singh gave his armed sword from its reverse side, I raised my left arm to save myself, then sword hit to me on my left arm. Then karan gave his sword blow to me from its reverse side and I raised my right arm, the sword blow hit to me on the joint of elbow of my right arm. Then Amarjit Singh gave his armed kappa from its reverse side upon me, I raised my right hand to save myself which hit upon middle finger of my hand. Then my

nephew Baljinder Singh came forward to save me from their clutches, on that they also gave beatings to him. They all entered into our rooms and damaged the household articles lying in the house like motorcycle, acitva scotty, tractor, A.C. freeze, Washing machine, cooler, LCD and damaged these badly, with the help of sword, kappa, wooden stick, axe. After that they forcibly entered into the house of my nephew Harjinder Singh and they committed theft of A.C., CCTV camera, and DVR installed in the house and also fired shots in the air. The same shot hit upon the main gate of our house and they threatened to kill us while going from there, and then they ran away from the spot on their motorcycle and cars alongwith their respective weapons. Our other family members have save their lives from their hands by hiding themselves. The motive behind the occurrence is that my sister in law (Bhabhi) Kaushaliya Bai is having land near the house of Raj Singh. Raj Singh and his family members showing their right over that land. I, my brother Surjit Singh and my nephew Baljinder Singh son of Sher Singh helping my sister in law. Due to this grudge, the above said persons with the connivance of each other fired shots at me and also gave injuries to my nephew Baljinder Singh. They forcibly entered house of my brother and broken the articles lying in the house and their family members have save their lives by hiding themselves in the house. My relative Sukhdev Singh has arranged the vehicle and admit my nephew Baljinder Singh at Civil Hospital, Mamdot, where our treatment is going on. Legal action be taken against them. Statement is recorded, heard, it is correct. Sd/ Hardeep Singh above said verified by P.s.Guruharshai. Sd/- Davinder Singh, SI”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the petitioner was empty-handed at the time of the alleged occurrence and that only a *lalkara* (verbal challenge) has been attributed to him. Further, it is submitted that the pistol fired during the incident by co-accused Chiman Singh belongs to the petitioner. Counsel undertakes on behalf of the petitioner that he is ready and willing to cooperate fully with the investigation and will join the same as required.

On behalf of the State/complainant

Status report filed by way of an affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, (SD), Guruharsahai, District Ferozepur, is taken on record.

Learned State counsel assisted by learned counsel for the complainant prays for dismissal of the present petition stating that the petitioner gave injuries to the complainant, therefore, his custodial interrogation is required.

4. Analysis

Be that as it may, after due consideration of the submissions made hereinabove, particularly the fact that the State has failed to establish the specific weapon used and the nature of the injury caused to the complainant, the *prima facie* offence under Section 307 of the IPC may not be attracted, at least qua the petitioner.

In view of the same, this Court is of the considered opinion that there exists no valid or sufficient ground to deny bail to the petitioner, who has demonstrated bona fide intentions and is ready and willing to cooperate with the investigation. Granting bail will enable the petitioner to assist in the smooth progress of the investigation and facilitate timely submission of the final report by the Investigating Agency.

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

04.07.2025

Meenu

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No