

2025.PHHC:077592



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33288-2025 (O&M)
DECIDED ON: 02.07.2025

GURBAX SINGH ALIAS BAKHSHISH SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mayur Karkra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in connection with FIR No. 24 dated 23.03.2025 under Sections 115(2), 118(1), 351, 324(4), 191(3), 190, BNS [Sections 117(2), 118(2), BNS added later] registered at Police Station Ghagga, District Patiala, Punjab.

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

“At this time, Statement from Rajinder Singh @ Raju son of Sahib Singh r/o Atala, PS Ghagga, District Patiala aged approx. 37 years Mo. No. 95017 43408 has been by ASI Buta Singh 1931/Pti Police Station Ghagga for registration of an FIR against Pargat Singh @ Pappi, Bakhshish Singh, Bachittar Singh alias Bittu sons of Dalip Singh, Lovepreet Singh @ Baljit Singh son of Pargat Singh, Paramjit

Singh @ Pamma son of Arjan Singh, Yodha Singh son of Paramjit Singh @ Pamma residents of Atala Police Station Ghagga District Patiala for offences under Sections 115(2), 118(1), 351, 324(4), 191(3), 190, BNS through Constable Baljinder Singh 3630, which reads as under, "Stated that I am a resident of the above address and do agricultural work. I and my father Sahib Singh and my uncle Harpal Singh were standing in the street in front of the gate outside our house when Baljit Singh alias Lovepreet Singh son of Pargat Singh 1 stood next to us. There was a discussion about the division of our Property ("roodiaan wali jgaah"), then Baljit Singh alias Lovepreet Singh went little away from us and called Paramjit Singh. Paramjit Singh started talking to us. Paramjit Singh also went away from us. Paramjit Singh called his uncle's sons, including Pargat Singh alias Pappi, Bakshis Singh, Bachittar Singh alias Bittu, sons of Dalip Singh, Yodha Singh son of Paramjit Singh. All of them came up with sticks and axes, Paramjit Singh alias Pamma gave a "Lalkara"/shouted in loud voice, that those who encroach upon our property "roodiaan wali jgaah", we will send them back after giving them the property. Baljit Singh alias Lovepreet Singh hit my father on the forehead with an axe, Bakhsis Singh hit me with a stick. I blocked the hit with my arm and my left arm was hit and my nose was also injured. Pargat Singh hit my father with a stick, which hit his arm, and Yodha Singh son Paramjit Singh alias Pamma hit me with a stick, I blocked it with my right hand to protect myself, which hit between the fingers of my right hand, and they threw both of us down with a stick and a fist blows, My scooty, which was also parked next to me, was also damaged by them. We screamed for help by saying they killed us they killed us and people gathered after hearing our screams. Baljit Singh alias Lovepreet and others all took sticks, and axes and fled from the spot. Then people arranged a private vehicle for us and took us to CH Samana. Due to my father's serious injuries, he was referred to Patiala Hospital RH. Where I am now undergoing treatment. Our fight took place on 22.03.2025 at around 5.30 PM in the evening. Our fight took place over the village property ("Ruriya wali jgaah"). I have written a statement to you, I have read it and heard it correctly. Legal action should be taken against Pargat Singh alias Pappi, Bakhsis Singh, Bachittar Singh alias Bittu, sons of Dalip Singh, Lovepreet Singh, son of Pargat Singh, Paramjit Singh alias Pamma, son of Arjan Singh, Yodha Singh, son of Paramjit Singh alias Pamma, residents of Atala police station, Ghagga district, Patiala. I have written a 1 statement to you, I have read it and heard it correctly."

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 no specific injury has been attributed to the petitioner. The counsel for the petitioner is claiming parity with his co-accused namely Paramjit Singh @ Pamma @ Harnek Singh, who has already been granted the concession of anticipatory bail by this Court vide order dated 28.05.2025 (Annexure P-5) passed in CRM-M-30398-2025. 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. Jastej Singh, Addl. AG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that injury attributed to the petitioner is on the finger of the right hand and according to the medico legal report, the same has been declared grievous in nature. Though, he could not controvert the fact that the petitioner is at par with his co-accused Paramjit Singh @ Pamma @ Harnek Singh, who has already been granted the concession of bail.

4. **Analysis**

Be that as it may, considering the fact that injury attributed to the petitioner is on non-vital part of the body and similarly situated co-accused has already been granted the concession of anticipatory bail by this Court vide order dated 28.05.2025 (Annexure P-5) passed in CRM-M-30398-2025 and such, custodial interrogation cannot be fastened upon the petitioner. As far as the recovery of weapon is concerned, the petitioner has given an undertaking before this Court that he 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, this petition deserves to be allowed.

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.

Pending application(s), if any shall disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

02.07.2025

Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No