

2025.PHHC.000922



204-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36370-2024
DECIDED ON: 08.01.2025

PARMINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imraan Farooqi, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023, seeking anticipatory bail to the petitioner in case FIR No.005 dated 20.01.2024, under Sections 307, 341, 324, 325, 326 323, 506, 148, 149 of IPC, registered at Police Station Sadar Sangrur, District Sangrur.

2. The facts of the case in the present case as per the version in the FIR reads as under:-

“Statement: Harvinderpal, son of Jagdish Ram, resident of Kular Khurd, District Sangrur, aged about 35 years, with mobile number 99144-18654, stated that he resides at the mentioned address and works as a laborer. On 19.01.2024, Harinder Singh, son of Darshan Singh, along with me, Jagdeep Singh, son of Karamjit Singh, resident of Kular Khurd, district Sangrur, came to spray the fields. While we were storing the spraying equipment in Jagdeep Singh's house

and conversing in front of the house, Jasvir Singh, son of Gurjant Singh, Manmohan Singh, son of Kulwant Singh, and Karan Singh, son of Karamjit Singh, residents of Kular Khurd, arrived on a black motorcycle and started setting off firecrackers in the street. Jasvir Singh was driving the motorcycle. Then they left, suggesting that we stay put as they intended to show us more fireworks. We conversed for about 10 minutes. Jagdeep Singh then offered to drop us off at home on his motorcycle. When the three of us reached the crossroads near the Asu Baniya shop in our village on the motorcycle, it was around 08:30 PM. There, Gurlal Singh, son of Bahadur Singh, Karna Singh, son of Karamjit Singh, Sukhdeep Singh, son of Jagrup Singh, and Hardeep Singh from our village were present. Also present were Hardeep Singh, son of Raja Singh, Parminder Singh, son of Gurjant Singh, Manmohan Singh, son of Kulwant Singh, Akasdeep Singh, son of Major Singh, Jasanveer Singh, son of Gurjant Singh, and Mani Singh, son of Bakhtaur Singh, residents of Kular Khurd District Sangrur, along with 5/6 other unidentified persons whom I can recognize from the front. Among them, Gurlal Singh stood in front of our motorcycle and issued a challenge, declaring that they would not let us leave dry that day, while holding a kirpan, gandasa, iron, and wooden sticks. As we were seated, Manmohan Singh attempted to strike me on the head with the intention of causing fatal harm, but I defended myself by extending my left arm, which was struck by the iron. Then, Karan Singh aimed for my head with the kirpan he was wielding, hitting the left side of my head near my ear. Subsequently, while we were riding the motorcycle, we fell on the road. At this point, Jasvir Singh attacked me with a kirpan in hand, aiming for my chest, but I defended myself by extending my left hand, resulting in the hit on finger next to the small finger of left hand. Sukhdeep Singh then struck my head with the fallen kirpan, hitting my neck below my left ear. Afterward, Mani Singh struck my left hand with the iron he was holding. Gurlal Singh then swung the gandasa at my companion, Harinder Singh's head, intending to cause harm, but Harinder Singh defended himself by extending his left arm, resulting in injury to his left elbow. Subsequently, Hardeep Singh attacked Harinder Singh's head with a kirpan, hitting it. Akasdeep Singh then struck Harinder Singh's left shoulder with a stick. Parminder Singh struck Jagdeep Singh's neck with a stick, hitting him on the left side. When we fell, we cried out for help, prompting the others to punch and kick us while we were down. However, when people started to gather, they all fled, threatening us with their weapons. The reason for the altercation was our attempt to prevent them from setting off fireworks in front of our houses, which led to their assault on us. As Harinder Singh and I sustained severe injuries, our friend Sukhveer Singh arranged transportation for us and admitted us to Civil Hospital Sangrur for treatment, where we are currently undergoing treatment. I have provided this statement willingly. Legal action

should be taken against the perpetrators. Signed: Harvinder Pal The aforementioned confirmed statement) Signed: Harinder Singh, son of Darshan Singh, resident of Kular Khurd. Contact: 95925-50333. Verification: Suresh Kumar, ASI Police Station Sadar Sangrur, Dated 20.01.2024. Action Police Report: Today, Chief Munsif of Police Station Sadar Sangrur informed me that Harvinder Pal, son of Jagdish Ram, and Harinder Singh, son of Darsan Singh, residents of Kular Khurd District Sangrur, are admitted to Civil Hospital Sangrur due to injuries sustained in a fight. Action should be taken accordingly. Upon receiving this information, I, along with SI Baljit Singh (2219/Sang) and Ph.G. Gurmail Singh (48613), took the laptop and printer and proceeded to Civil Hospital Sangrur in a private vehicle. Upon consulting with Dr. Sahib, we obtained a written opinion regarding the injured individuals' ability to provide statements. Dr. Sahib confirmed that both Harvinder Pal and Harinder Singh were fit to give statements. We acquired the medical legal reports (MLRs) for both individuals. Harvinder Pal's MLR number is GS/03/2024, which documented 5 injuries, while Harinder Singh's MLR number is GS/04/2024, which recorded 3 injuries, with injury No. 1 and 3 categorized as blunt and injury No. 2 as sharp. After obtaining their statements, Harvinder Pal confirmed his statement, which was written letter by letter and read aloud in Punjabi. After acknowledging its accuracy, he signed it. Harinder Singh also confirmed his statement. Mana Sath attested to the confirmation. Based on the statements and MLRs, the crimes are categorized as 307, 341, 324, 323, 506, 148, and 149. The case was filed against the accused: Gurlal Singh, son of Bahadur Singh; Karna Singh, son of Karamjit Singh; Sukhdeep Singh, son of Jagrup Singh; Hardeep Singh, son of Raja Singh; Parminder Singh, son of Gurjant Singh; Manmohan Singh, son of Kulwant Singh; Akasdeep Singh, son of Major Singh; Jasanveer Singh, son of Gurjant Singh; Mani Singh, son of Bakhtaur Singh, and 5/6 other unknown persons. The case file is sent to Gurmail Singh (48613) at Dokar Police Station for registration. Please register the case and inform us of the case number. Dispatch reports should be issued, and wireless notifications should be sent to the control room. We, including fellow employees, are engaged in the investigation. Signed: Suresh Kumar, ASI Police Station Sadar Sangrur, Date: 20.01.2024, Location: Civil Hospital Sangrur, Time: 6:30 PM. Declaration has been received, but the case remains the same against Gurlal Singh, son of Bahadur Singh, and others. After registration, the record will be sent to Sangrur via email. Copies of the FIRs, along with the original statements, will be sent to ASI Suresh Kumar (1404/Sang), Bana Sadar Sangrur.”

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 the injury attributed to him is with stick/danda blow on the left side of neck of Jagdeep Singh, which is simple in nature.

On behalf of the State

Learned State Counsel seeks dismissal of the present petition on the ground that the allegations against the petitioner are serious of in nature, but he could not controvert the fact that the injury attributed to the petitioner is simple in nature.

4. **Analysis**

Be that as it may, having given a considerable thought to the fact that admittedly the injury attributed to the petitioner is simple in nature with a stick/danda blow on the left side of neck of injured namely Jagdeep Singh, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate in furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

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, 2023, 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

08.01.2025

Meenu

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