



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

CRM-M-41161-2024 (O&M)

Date of Decision: 24.02.2025

Jaspreet Singh @ Jassa

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Tushar Madaan, Advocate with
Mr. Dildevinder Singh, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Japjit Singh Sohal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No. 90, dated 25.05.2024 under Sections 324, 379-B, 148, 149 of IPC, 326 of IPC added later on vide DDR GD No.19, dated 10.07.2024, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.
2. A cross version was registered on the basis of statement made by Deepak son of Avtar and the same has been reproduced below:-

“Statement of Deepak son of Avtar resident of Nau Gravan P.S Sadar Hoshisapur, aged about 23 years, Phone No.62837-04115. Stated that I am a resident of above said address and work in medicine factory Nangal Shahidan. On 19/5/2024, I was playing in ground of my village that at about 6.30 PM. Jagir Singh @ Buntty s/o Karnail Singh resident of Nau Gravan came on

his tractor. Behind him, Jaspreet Singh @ Jassa s/o Jarnail Singh came in his vehicle. Jagir Singh took out datar from tractor and Jaspreet Singh took out datar from vehicle. Both were in inebriated condition. Jagir Singh started giving abuses to me immediately on coming and said, "Kutio-chamaro you do not have such ability to match us." Jaspreet Singh Jassa said that wee had got registered case FIR against them and they would kill us one by one.. Then I told my brother Satwinder Singh over phone regarding this incident. In the meantime, Darshan Singh s/o Chanan Singh. armed with rod, Ranjit Singh s/o Karnail Singh, armed with kirpan and Hardeep Singh s/o Darshan Singh armed with iron rod came there and immediately on coming there, Darshan Singh raised 4 lalkara (exhortion) saying, "Catch hold of him and he should not escape, Darshan Singh snatched my phone. All three were in drunkard condition. Jagir Singh Bunti gave a datar blow to me, which hit on the left side of my head. Then Jaspreet Singh gave a datar blow towards my head and I raised my left hand to save myself. whereupon datar hit on my left hand ring finger and its adjoining finger was also injured. Then on hearing alarm, my chachi (aunt) Kamaljit Kaur wife of Kulwant Singh and my chacha' son Satwinder Singh s/o Jasvir Singh came to the spot, who picked me and assailants fled away from the spot. My chachi and cousin firstly took me to home and then my brother Satwinder Singh and other boys arranged the vehicle and got me Hoshiarpur treatment. admitted where in I Civil Hospital am undergoing The cause of quarrel is that earlier also they had picked up a quarrel with us regarding which we got registered case against them. Due to this grudge, above said accused have inflicted injuries to me. I am the complainant. Legal action be initiated against them. I have got recorded my statement in presence of my chachi Amarjit Kaur. I have read and heard the same, which is correct. Sd-Deepak.

3. Learned counsel for the petitioner contends that the petitioner is a

victim in the present case and on the basis of the statement made by petitioner, one FIR No.88, dated 25.05.2024, under Sections 308,323,341,148 and 149 of IPC, Police Station Sadar Hoshiarpur (Annexure P-1) was registered against the complainant side. He further contends that in fact, the complainant party in the present case was the aggressor and had caused grievous injuries to the present petitioner. He further contends that a Medical Board was constituted in the present case to examine the injuries suffered by the petitioner and injury No.3 on the person of the petitioner was declared to be grievous in nature. Apart from that, injuries No.1,2 and 3 suffered by the cousin of the petitioner were also declared to be grievous in nature. He further contends that the present FIR has been got registered by the complainant in order to pressurize him not to pursue the FIR which was got registered by the petitioner. Learned counsel further contends that the petitioner has joined the investigation and his presence is not required, during the course of investigation. Even otherwise, all other accused have already been granted the concession of anticipatory bail by the Court. Further, as per the allegation of the prosecution, the petitioner was allegedly carrying a *Dattar* and had caused an injury on the finger of left hand of the complainant, however, the said injuries are on the non-vital part of the body.

4. Learned State counsel as well as learned counsel appearing on behalf of the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has not mentioned the registration of one earlier FIR against the present petitioner. However, learned State counsel submits that the petitioner has already joined the investigation and is no longer required by the I.O in the present case.

5. I have heard learned counsel for the parties and perused the record

carefully.

6. In the present case, the petitioner has already joined the investigation and his custody is no longer required by the I.O for further investigation. Moreover, except the petitioner, all other accused have already been granted the concession of bail.

7. Without commenting anything on the merits of the case, the present petition is allowed and the interim order dated 23.08.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified underSection 482 (2) of B.N.S.S.

8. Pending application(s), if any, stand(s), disposed of, accordingly.

24.02.2025

hitesh

Whether speaking/reasoned
Whether reportable

(N.S.SHEKHAWAT)

JUDGE

: Yes/No
: Yes/No