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208 (1st case)

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

**CRM-M-54526-2024 (O&M)
Date of decision: 20.01.2025**

Devinder Singh @ Bhim

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shashikant Gupta, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab for the respondent.

Mr. Sanjeev K. Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.381 dated 30.08.2024 (P-1), under Sections 115(2), 126(2), 109(2), 351(3) read with Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS'), registered at Police Station Zirakpur, District SAS Nagar.

(2) Above FIR was registered by *de facto* complainant-Sarwan Singh with the allegations that petitioner along with other co-accused had physically assaulted him and his father-Sukhwant Singh with an intention to kill them.

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(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 02.12.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required. Also contends that matter has been amicably settled between the parties i.e. petitioner as well as complainant at their own level.

(4) Learned State Counsel, on instructions, is not able to dispute the above factual position.

(5) Even learned Counsel for the complainant has also acknowledged the factum of compromise.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail by the Coordinate Bench, vide order dated 02.12.2024 and the order reads as under:-

“In compliance of previous order, status report by way of affidavit of Mr. Jaspinder Singh, DSP, Sub Division Zirakpur, SAS Nagar has been filed, which is taken on record.

The petitioner seeks grant of anticipatory bail in respect of FIR No.381 dated 30.08.2024 registered at Police Station Zirakpur, District SAS Nagar, under Sections 115(2), 126(2), 109(2), 351(3), 3(5) of BNS, 2023.

The allegations, in nutshell, are that Maninder Singh, Narmail Singh and Devinder Singh (petitioner) had given beatings to Sarwan Singh, father of the complainant Sukhwant Singh, wherein coaccused Maninder Singh is alleged to have inflicted a blow to injured Sarwan Singh with the help of a dang (stick), which landed on his back. He is alleged to have given

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more blows with stick. Sarwan Singh was also inflicted kick blows by the accused. The present petitioner is specifically alleged to have given kicks on the head of injured Sarwan Singh.

Learned counsel for the petitioner submits that admittedly it is a case where the petitioner was empty hand and that in any case even the co-accused Maninder Singh was carrying a stick only and not any lethal weapon. It has further been submitted that even if all the allegations are taken to be correct, it would attract an offence under Section 115(2) BNS (=323 IPC) or at best Section 110 BNS (=308 IPC). It has further been submitted that in any case the matter has been amicably resolved amongst the parties and as a matter of fact separate petition for quashing of FIR in question on the basis of compromise has already been filed.

List again on 20.01.2025.

To be heard with CRM-M-56885-2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

(8) It is also not in dispute that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 02.12.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

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- (10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.
- (12) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

20th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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