



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55455-2024
DECIDED ON: 14.01.2025

LOVEPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.B.S. Goraya, 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 for grant of anticipatory bail to the petitioner in FIR No.194, dated 28.07.2024, under Sections 109, 333, 304, 115(2), 191, 190, 324(4), 324(5) of BNS, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar (Rural).

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

“Statement of Sawinder Singh son of Aachar Singh resident of Pati Bhadki, Bandala police station Jandiala aged 65 years mobile no. 7710423036. Stated that I am a labourer and resident of above mentioned address. I have 5 children. 2 sons and 3 daughters, eldest is son Yadwinder Singh, younger to him is daughter Kirandeep Kaur, then son Harpreet Singh @ Vicky, then Rekha and youngest is Prabhjot Kaur. My all children are married. That on 26.04.2024 my daughter Prabhjot Kaur got married with Gurpreet Singh @ Gopi son of

Sukhjinder Singh @ Bau resident of Sarli police station 'Verowal' District Tarn Taran as per Sikh rites and rituals. That on dated 24.07.2024 at 5.30PM my daughter had come to our village Bandala because 10 days back she was given beating by my son-in-law Gurpreet Singh @ Gopi along with his relatives from village Chattiwind and others. Today on dated 27.07.2024, they had come to take my daughter Prabhjot Kaur back but my daughter Prabhjot Kaur said in front of relatives that she does not want to go to her in-laws village 'Sarli' as they give her beating and this led to verbal altercation between relatives, her in-laws family and my son-in-law Gurpreet Singh but later on, relatives intervened and got the matter settled with condition that they will take my daughter Prabhjot Kaur back on dated 16.08.2024 and they all agreed and left my house. But same night at 10.30 PM, after having my dinner, I was sleeping on the roof of the house, my elder son Yadwinder Singh had gone to his relatives house for some work, whereas, my daughter-in-law Simran Kaur along with her both kids and my son Harpreet Singh were lying in the courtyard in front of cooler/fan. The outer gate of the house was lying open and I heard knocking on the outer door and I saw that my son-in-law Gurpreet Singh armed with kirpan, his brother Lovepreet Singh armed with datter entered our house and in the meantime, my daughter-in-law Simran put on the electric bulb of the courtyard and in the meantime their maternal aunt's (massi) sons namely Happy, Joban, Suraj, Phuman, Bhola and Nika accompanied by 10 unidentified persons residents of Chattiwind who were armed with dangs, sota, and kirpan and my son-in-law Gurpreet Singh and his brother Lovepreet Singh raised lalkara and said that 'teach Sawinder Singh a lesson for falsely accusing us of giving beatings and harassment to his daughter Prabhjot Kaur' and on this lalkara, Happy, Joban, Suraj and Phuman took out pistol from their dubwaist) and with the intention to kill started firing at me but I saved myself by lying on the roof. The persons who accompanied them started ransacking the household articles including cooler and fans with their kirpans and sticks. My son- in-law Gurpreet Singh, Joban and unidentified persons came on the roof and my son-in-law Gurpreet Singh with the intention to kill gave 2 blows with his kirpan and same hit straight on my head from reverse side of the kirpan, then Lovepreet Singh gave dattar blow from reverse side hitting straight at my left cheek and I got smeared with blood and fell down on the roof. While I was lying down, Lovepreet Singh gave second blow with reverse side of dattar and I raised my left arm and reverse side of dattar hit on my left elbow. I raised hue and cry and on hearing firing noises, other persons who were sleeping on the roof tops of their houses got up and on seeing them accused and unidentified persons gave dang blows while I was lying down on the roof which hit me on my left bicep, left shoulder, waist and on chest and on seeing my condition, accused came down from the roof and after damaging our household articles ran away

raising lalkara with their respective weapons. While fleeing away, Gurpreet Singh and Lovepreet Singh snatched mobile phones (Vivo touch) of my daughter-in-law Simran Kaur, my son Harpreet Singh and Prabhjot Kaur and fled away on their vehicle giving threats to our life. my daughter-in-law Simran Kaur, my son Harpreet Singh and Prabhjot Kaur had witness this entire occurrence. That above mentioned persons entered my house with the weapons and caused injuries to me with their weapons and also ransacked the house and snatched the phones also. That I, my daughter, my daughter-in-laws and son can identify the unknown person on seeing them. The motive is that my son-in-law Gurpreet Singh and his family used to harass and beat my daughter Prabhjot Kaur and 10 days back, my daughter had come back to my house and with the intention to take my daughter back forcibly, they entered my house with deadly weapons and attacked and injured me. That today morning on 28.07.2024, my daughter-in-law Simran Kaur and son Harpreet Singh after arranging a vehicle took me to Civil Hospital Mannawala, Where I am undergoing treatment and doctors have also conducted my medical examination. Strict legal action be taken against accused persons and justice to be given to me. I have made my statement in presence of my daughter-in-law Simran Kaur, heard, it is correct. LTI Sawinder Singh, Sd/- Simran Kaur, attested : Sukhwant Singh ASI I/ C PP Bandala police station 'Jandiala' dated 28.07.2024.”

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 there is delay of one day in lodging the FIR as the alleged incident took place on 27.07.2024 and the FIR was got registered on 28.07.2024. He further submits that the injuries attributed to the petitioner is simple in nature.

On behalf of the State/complainant

Short reply filed by way of an affidavit of Dharminder Kalyan , PPS, Deputy Superintendent of Police, Sub-Division Jandiala, Amritsar (Rural) (additional charge), is taken on record.

The attention of this Court has been drawn to paras 4 & 5, whereby specific role has been defined to be armed with a datar and having given injury on the head and elbow of the complainant.

On a specific query put by this Court Mr. Jaspal Singh Guru, AAG Punjab, on instructions from ASI Surinder Singh candidly admits that the injury attributed to the petitioner has been declared simple in nature and the petitioner is not involved in any other case.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that the admittedly the injury attributed to the petitioner is simple in nature and is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

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, 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

14.01.2025

Meenu

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