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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58777-2024

DATE OF DECISION: 21.01.2025

SATISH KUMAR AND ORS

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manish Garg, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Viren Sibal, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein referred as (BNSS)) for the grant of Anticipatory bail to the petitioner in FIR No.460 dated 21.10.2024 registered under Sections 304, 126(2), 115(2), 331(3), 191(3), 190 of the Bhartiya Nyaya Sanhitha (BNS), 2023 at Police Station CityBarnala, District Barnala.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Statement of Raj Kumar son of Prem Chand r/o Balewal stated that I am a resident of above said address. I am twelfth standard pass.. I am serving as Manager at my Limited Company branch Pakka College Road Barnala which is an institution of Reserve Bank where I am working for about a month, where in the said branch Manoj Kumar son of Rajinder Prasad, Devi Prasad son of Ramdas, Arvind Kumar Misra son



of Bhola Nath residents of Sekha Road Street No. 05 Barnala and Amanpreet Singh son of Mukhtiar Singh resident of Hassanpur Police Station Sadar Dhuri District Sangrur and Jasvir Singh son of Parkash Singh resident of House No. BX 1328 Shaheed Bhagat Singh Nagar Barnala who used to work in the said branch. After obtaining the records of the said branch and from the scrutiny of the accounts, it was found that the said persons had committed a fraud of about Ten lakhs with the said branch, due to which they were suspended from the said branch, including Devi Prasad, Arvind Kumar Misra, Jasveer Singh and Amanpreet Singh above said had said that we have used the money for household needs. We will deposit the money of the said branch, who had given their written statements in the branch, who are now in the process of not returning the money are threatening me and the staff of the branch, Jaspal Singh son of Nachhatar Singh, a resident of Naiwala, and threaten that you should not be loyal to the branch. Whatever manipulations we do, whatever you tell me to do, do what the branch owner does can do and the above persons were deleted from the whatsapp group of the brnach, upon which on dated 19-10-2024 at around 10 o'clock in the night, Manoj Kumar called me from his phone number 97809-69796 on my phone number is 70873-75058 that Raj Kumar where are you, we want to talk to you. So I said that I am in my room who said that come out and sit and talk. I came from my room on the road where there is Agra Chat Bhandar and when I came down on the rot then after some time Manoj Kumar, Devi Prasad. Arvind Kumar Misra and Amanpreet Singh and Jasveer Singh along with Vicky Pal and Pinku Pal, unknown 2-3 persons came on a motorcycle who surrounded me on the road and started giving blows to me in the stomach and head. I said tell me what is my fault, then the said person says, We will tell you how you will scrutiny the accounts of the branch. We have done cheating in the branch and you go away from this place or else it will affect you badly. Saying this, while



threatening me, telling me to sit on our motorcycle, Arvind Kumar Misra put his hand around my neck and grabbed me and snatched my silver chain from my neck. I saved myself and ran to my room and locked the same who came after me and kept pushing the gate of my room. I did not open the lock of my room, then all of them left the house. I did not enter because I was scared at night. I told the staff of the branch over the phone on 20-10-2024 in the morning, after which Jaspal Singh son of Nachattar Singh resident of Naiwala took me on his motorcycle and admitted me to the Civil Hospital Barnala for treatment, where I am undergoing treatment. The reason behind grudge is that Manoj Kumar, Devi Prasad. Arvind Kumar Misra and Amanpreet Singh and Jasveer Singh above said together cheated the said branch to the tune of Ten lakh rupees due to which Manoj Kumar, Devi Prasad, Arvind Kumar Misra, Amanpreet Singh and Jasveer Singh together with the said branch Vicky Pal and Pinku Pal and 2-3 unknown persons beat me and took away my silver chain. Legal action should be taken against these persons. I got recorded the statement read over and is correct. Deponent:-sd/-Raj Kumar, Statement verified by:- sd/- Jaspal Singh son of Nachhatar Singh resident of Naiwala,. Attested by sd/- Avtar Singh ASI PS City Barnala Date 21.10.2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners have argued that the petitioners have been falsely implicated in the present case as there is unexplained delay of 2 days in lodging the present FIR. He further submits that Section 304, 190, 191(3) of the BNS cannot be attracted against the petitioners as there was neither any incident of snatching in the present case nor any unlawful assembly with any weapon. He contends that the petitioners is only attributed with two simple injuries



therefore, prays for grant of anticipatory bail to the petitioners.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioners were specifically named in the present FIR and had caused injuries to the complainant, therefore, prays for dismissal of the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that there is unexplained delay of 2 days in lodging the present FIR and they were attributed only with two injuries which were declared to be simple in nature, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of

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 petitioners do not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.01.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No