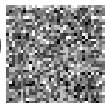


2025-PHHC:008259



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60851-2024
DECIDED ON: 22.01.2025

RAHUL BAWA @ RAHUL

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Monty Goyal, 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.20, dated 12.03.2024, under Sections 307, 452, 323, 506, 148, 149 of IPC, 1860 (Annexure P-1), registered at Police Station Daba, District Ludhiana.

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

“Statement of Sarwan Vishkarma, S/o Arun Vishakarma I/o village Kanda, Post Khanpur, Police Station, Bajrang, District Gaya, Bihar currently residing at the House No. 1262/63, Street No. 1B, Mohalla Basant Nagar, Police Station Dabba, Ludhiana aged 38 years mobile number 62801-22965 sated that I have with my family at above mentioned address. My parents

reside in Bihar only. I have two sisters and two brothers. Both my sisters are married, and both my brothers, Jatinder Vishkarma, aged 32 years and my youngest brother, Sanjeev Vishkarma, 26 years old, resides with me only. Both Jatinder Vishkarma and I are married. I along with my two brother work in our ice-cream and hosiery cloth factory near my street no.3 ½ near Maharana Pratap School Mohalla, Gianchand Nagar, Police Station, Daba, Ludhiana. On 10.03.2014, I came home to have lunch from the factory in the noon time. My brother Jatinder Vishkarma was there in the factory only at approximately 12:45 PM, I was informed by factory worker namely Rohit that 7 to 8 individuals were assaulting my brother Jitendra Vishkarma at our factory. I arrived at the factory approximately 15 to 20 minutes later, and by that time, my brother Jitendra was lying unconscious. My younger brother Sanjeev, along with a friend, had arranged transportation and took Jitendra to the Civil Hospital, Ludhiana. When I checked the camera of my factory then I saw in the video that there unknown boys came inside my factory and started beating my brother Jatinder out of which one of them was armed with a kirpan and assaulted Jitendra with the intent to kill him. My brother Jitendra fled inside the factory, but the 03 unknown attackers caught hold him and while dragging him starting beating him and brought him outside the factory and alongwith them there were two more unknown boys who were inflicted injuries by giving kick and fist blows and then while my brother was lying down then these five person out of which three persons who with the intention to kill my brother by handing over the kirpan to each other inflicted multiple injuries upon my brother Jatinder and also caused injuries by throwing brick bats and gravels. Once Jitendra was severely injured, the assailants fled the scene with their respective weapons. I will submit the CCTV footage of the crime scene with the officials later. Four of the identified attackers are Gautam Bedi, son of Somveer, resident of Mohalla Gianchand Nagar, Ludhiana, Sankar, Son of Radhe Sham, resident of Street No. 03, Gianchand Nagar, Ludhiana, Lovedeep Singh alias Love and son of Sukhwinder Singh resient of MJK Nagar, Babpu Market, Ludhiana and Rahul Bawa, son of Rakesh Kumar, resident of Mohalla, Gianchand Nagar, Ludhiana. They, along with their 5 to 6 unidentified, carried out this brutal attack on my brother by trespassing into our factory. They have also given life threatening to us, against them strict legal action be taken and justice be provided to us. A statement has been got typed before you which is read over and is found to be correct. sd/- ”

3. Contention**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he was not present at the spot and no role whatsoever has been attributed to the petitioner. He further submits that the alleged weapon from which the injuries were inflicted upon the person of complainant was recovered from the main accused namely Gautam Bedi.

On behalf of the State/complainant

Reply filed by way of an affidavit of Satwinder Singh Virk, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned State counsel prays for dismissal of the present petition on the ground that allegations against the petitioner are serious of in nature, but could not produce any incriminating material to connect the petitioner with alleged commissioning of offence.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner no specific role has been attributed to the petitioner and he 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, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for 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, 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

22.01.2025

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No