



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

CRM-M-62239-2024

Date of Decision: 15.01.2025

SANDEEP KUMAR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satnam Singh Thakur, Advocate,
Mr. Vikas Singh, Advocate and
Mr. Thaman Sethi, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

Mr. Anshul Sharma, Advocate
for the complainant.

SANDEEP MOUDGIL, J. (Oral)

1. Relief Sought

The present petition has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of Anticipatory Bail
to the petitioner in case bearing FIR No.162 dated 22.11.2024, under
sections 115 (2), 118 (1), 304 of BNS, 2023 registered at Police Station
Subhanpur, District Kapurthala (Annexure P-1).

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

*“Statement of Deepak son of Tarsem Singh resident of Lahori Gate, PS
City Kapurthala, aged about 30 years, Mobile NO.62396-15866 stated that I am
the resident of above mentioned address and I am a labourer. On dated
20.11.2024, I and Rohit son of Sanjeev Singh resident of Village Jatpura were
going from Kapurthala to village Hamira on the Activa No.PB09-AA-3681.*



Rohit was driving the scootery. At about 03.00PM during the daytime when we were present near Abadi Hamira, Peeran di Jagah, then one motorcycle came from front which was being driven by Sandeep Kumar son of Surinder Kumar, resident of Police Station Subhanpur, District Kapurthala, and one unknown person was also sitting with him, they stopped our vehicle with their motorcycle and then Sandeep Kumar attacked with the Datar which he was carrying in his hand. For protecting myself. I raised my hand, but due to the attacle of the Datar, my little finger of right hand chopped off. thereafter again Sandeep gave the below on my shoulder, and I fell down, when I fell down, then Sandeep Kumar took my purse containing 26000 and one mobile phone from my pocket and then ran away from there on their motorcycle, thereafter Rohit took me to the civil Hospital, Kapurthala for treatment, and I was admitted there, Dr Saab gave me first aid and there after my treatment started I was going to the Police Station for recording my statement. However find you en route you have recorded my statement which is true and correct. Legal action be taken. SD/- Deepak verified by SD/- Kulwinder Singh ASI, Police Station Subhanpur dated- 22.11.2024, police proceedings: on 20-11-24, 1 ASI came present to the police station where I was informed by the Head Clerk of the police station Subhanpur that one MLR No- 471/SB/CH/KPT/2024 of Deepak Kumar son of Tarsem Singh, resident of Lahori Gate, District Kapurthala received from Civil Hospital, Kapurthala, which was given to me for taking further action. On 21.11.24, I ASI was gone to honourable Punjab and Haryana High Court for attending hearing of CRM number 49344/24 on 22-11-2041 ASI along with CT Tajinder Singh 1326/Kapurthala, PHD Sukhpal Hingh 15304 want to recent the Matement of Deepaac Chil Hospital, Kapurthals and doctor of civil repicat Kapurthala give X-ray report of Deepak son of the same Singh resident of Lohri Gate Kala. The report number 9604 was received and we met Deepak son of the Tarsem Singh resident of Lahori Gate, Kapurthala in front of Emergency Bar of civil Hospital, Kapurthala and he informed me that. Dr Saab have discharged me from the hospital, and the statement was recorded to me by Deepak, which is written and admitted to be true and correct, he put his signature below his statement in English, which is verified by me. In MLR number 471/SB/CH/KPT/2024 Doctor has mentioned 03 injuries out of which injury number one and two sharp and injury number 3 is blunt and in the X-ray report number 9604 dated 21.04.24, Doctor mentioned that injury number 01 and 02 is simple in nature and from the above MLR number 471/SB/CH/KPT/2024 that is report number 9604, the offence under section 115(2), 118 (1), 304 BNS is found to be committed”.

3. Contentions

On behalf of the petitioner



Learned counsel for the petitioner has stated that the matter has been amicably settled between the parties.

On behalf of the State

Learned State Counsel vehemently opposes the prayer for grant of concession of anticipatory bail wherein out of three injuries attributed to the petitioner, two are sharp in nature added with the fact that recovery of weapon used in commission of offence, mobile phone and money are yet to be effected.

On behalf of the complainant

Learned counsel for the complainant has also stated that the matter has been amicably settled between the parties and does not wish to oppose the grant of anticipatory bail to 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 that the matter has been amicably settled between the parties, 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 petitioner is hereby directed to be released on anticipatory bail subject to him 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 petitioner 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 petitioner does 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

15.01.2025

kv

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