



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M-63635-2024

DATE OF DECISION: 08.01.2025

KULDEEP SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. PKS Phoolka, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the Petitioner in case FIR No.144 (Annexure P-1) dated 04.10.2024 under Section 118(1), 118(2), 115(2), 191(3), 190 of BNS, 2023, registered at Police Station Sadar Bathinda, District Bathinda.

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

‘Copy of Statement, statement of Balbir Singh son of Karam Singh son of Mehar Singh, resident of village Katar Singh Wala, aged about 35 years, Mobile No. 62834-40432, states that I am resident of above said address, I am tractor driver. On dated 30.09.2024 I was going to my house through main road on my motorcycle Delux, when I tried to turn my house from the side of shop of Doctor Kuldeep Singh, then on the turn point Kuldeep Singh son of Gora Singh, resident of Katar Singh wala was standing. And when I signaled him horn



to move aside then kuldeep singh did not moved aside then I said to Kuldeep Singh get side then had a altercation with Kuldeep Singh At that time the time was around 8:00 PM, I went to my house on my motorcycle at atthat time and when at 8.30 PM when I was going to my house on foot and when I passed Kuldeep Singh's house then Kuldeep Singh having kirpan his father Gora Singh son of Mukhtiar Singh having Kasia along with them 5-6 unidentified persons suddenly came out of the house of Kuldeep Singh. Then Kuldeep Singh gave Lalkara and said that teach a lesson to Balbir Singh for altercating with me then in the meantime Gora Singh gavereverse side kasia blow on my head then Gora Singh gave kasia push on my chest then in the meantime unidentified persons gave soti blow on my back and when I raised raula of marta - marta then in order to rescue me Jasvir Singh son of Gurjant Singh resident of Katar Singh Wala came running to me and Kuldeep Singh gave dasti kirpan blow on Jasvir Singh which hit on his right arm then one another unidentified person whom came along with them gave dasti kirpan blow on the neck of Jasvir Singh then Gora Singh gave kasia blow on the head of Jasvir Singh arrest another unidentified person who were having kirpans also beaten us then upon seeing the raula of both of are persons and seeming the gathering of the people in the street all these persons ran away from the spot along with their respective weapons and our family members after arranging the vehicle got us admitted to civil hospital Bathinda where we under treatment. Motive is that I and Kuldeep Singh had altercation at the turn of the street regarding passing of the motorcycle regarding which Kuldeep Singh and others in connivance with each other had given injuries to me at the time of the occurrence lights were on in the street due to which I can identify unidentified persons in the street upon coming before me. Legal action be taken against them. Statement given heard correct.'



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as there is delay of four days in registration of the instant FIR. He submits that the petitioner is implicated by the complainant merely to implicate maximum number of the persons to put pressure and extort money due to partyfaction. He further submits that the alleged injury attributed to the petitioner is of kirpan blow on non-vital part of the body i.e. right arm, moreover the complainant is hale and hearty and was discharged from the hospital after some time. He informs the Court that co-accused Gora Singh has already been granted concession of regular bail vide order dated 19.11.2024 by the lower Court (Annexure P-3).

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Boga Singh vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner along with other co-accused attacked upon the complainant with sharp edged weapon, therefore, prays for dismissal of the present petition.

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 the injury attributed to the petitioner is on non-vital part of the injured and there is every possibility of false implication of the present petitioner due to partyfaction, moreover, the co-accused has already been granted concession of regular bail by the



lower Court, hence, 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

08.01.2025
anuradha

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