



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

319

CRM-M-63893-2024

DATE OF DECISION: 16.01.2025

BALKARAN SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner(s).

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of anticipatory bail to the petitioner in FIR No.85 dated 19.08.2024 under sections 331 (6), 115(2), 191(3), 190 of BNS, 2023 at Police Station Sangat, Bathinda (Annexure P-1).

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

‘A Statement of Jarnail Singh son of Mukhtiar Singh, resident of Village Mohala, aged about 60 years, Mob No. 72932-94000, stated that I am resident of above address and doing the work of tailoring itself. in the home We are four brothers. The eldest brother Karnail Singh has already died and he was unmarried and we other three brothers are married are and having families. We are residing separately in our separate house. On 17.08.2024 time at about 9:00 PM we after having



our dinner were lying and then my brother Sukhdev Singh who was having Gandasa, my nephew Nirmal Singh who was having Kirpan and Balkaran Singh son of Patlu Singh of our village who was also having Kirpan and other 4-5 persons who were having sticks entered our house and then Nirmal Singh raised Lalkara saying "let they be taught a lesson for dividing a house" then he gave a Kirpan blow towards me which hit on the back side of my head and my brother Sukhdev Singh gave me a Gandasa blow with which hit on the left side of my ribs and Balkaran gave slaps to my daughter Sarabjeet Kaur. On hearing our noise, my brother Gurjant Singh came to our house and tried to rescue us then they also gave injuries to my brother Gurjant Singh. We raised alarm killed- killed then on seeing the neighborhood gathering there, they all ran away with their weapons on Varna car. Thereafter I and my brother Gurjant Singh were got admitted at government hospital Bathinda by my son Sukhchain Singh and my nephew Gurpreet Singh, after making arrangements for vehicle. Due to multiple injuries on my brother Gurjant Singh he was referred to AIIMS Hospital Bathinda where he is under treatment. I am under treatment at government hospital Bathinda. The cause of dispute is that our dispute regarding partition of house is going on and in this regard the Panchayat was also convened which fixed the date 18.08.2024 but the aforesaid persons in connivance with each other entered our house and caused injuries to me and my brother Gurjant Singh. I have got my statement recorded which is heard and the same is correct. Action may be taken. Sd/- Jarnail Singh.'

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 per the allegations,



the petitioner along-with co-accused had gone to the house of complainant to settle the dispute between them, where an altercation took place between co-accused and complainant and the complainant has named the petitioner due to the fact that he had accompanied the co-accused. He further submits that co-accused Nirmal Singh who had given kirpan blow on the head has already been granted concession of anticipatory bail vide order dated 03.12.2024 passed in CRM-M-60585-2024 (Annexure P-6) and the petitioner is on better footing, moreso, the matter has been settled between the parties, therefore, prays for grant of anticipatory bail to the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer is not in a position to controvert the submissions made by counsel for 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 the matter stands settled between the parties and co-accused-Nirmal Singh has already been granted concession of anticipatory bail and the petitioner is on better footing than him, hence, this Court finds no cogent 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

16.01.2025
anuradha

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