



202-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65591-2024 (O&M)
Date of decision : 11.02.2025

Jaspal Singh @ Bagga and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anmol Jeevan Singh Gill, Advocate,
for the petitioners.

Ms. Manjot Kaur, A.A.G., Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the B.N.S.S.'*) has been filed for grant of pre-arrest bail to the petitioners in FIR No.0125 dated 21.11.2024, under Sections 333, 351(2), 191(3) & 190 of the Bharatiya Nyaya Sanhita, 2023 (*for short, 'the BNS'*), registered at Police Station Raja Sansi, District Amritsar Rural.

(2) Learned Counsel contends that petitioners were granted interim bail by the Coordinate Bench, vide order dated 31.12.2024 and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.

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(3) The above factual position is not disputed by learned State Counsel, on instructions from ASI Davinderpal Singh, and submits that as on today, custodial interrogation of the petitioners is not required.

(4) Heard learned Counsel for the parties and perused the paper-book.

(5) It transpires that petitioners were granted interim bail by the Coordinate Bench, vide order dated 31.12.2024 and the order reads as under:-

“The present petition is for grant of anticipatory bail to the petitioners in case FIR No.0125 dated 21.11.2024 under Sections 333, 351(2)/191 (3)/190 of the BNS, registered at Police Station Raja Sansi, District Amritsar Rural.

Learned counsel for the petitioners submits that the present FIR is a bundle of lies and in fact an abuse of process of law which is made to settle the political scores, for the reason that the uncle of the petitioner had contested elections against the complainant and won the same. Thereafter, petitioner No.2 had lodged a complaint on 12.11.2024 levelling allegations against the husband and son of the complainant of being beaten up and threatened by a fire arm.

Interestingly, the above said complainant is 03 days after the date of incident recorded in the FIR and it has also come on record that the matter was being tried to be compromised but the same could not be materialized.

Learned State counsel has vehemently opposed the grant of concession of anticipatory bail to the petitioners by submitting that the petitioners are trying to exert pressure and demonstrate the power of their uncle who has been elected as a Panch and the matter needs to be thoroughly investigated before any wrong incident takes place on account of such rivalry.

However, learned counsel for the petitioners reiterates that there is no injury caused to anybody and no independent witness even for the commission of any such offence. He further submits that the petitioners have clean antecedents and are not involved in any other case and any strict

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condition be imposed upon the petitioners while granting them the concession of anticipatory bail.

Heard the learned counsel for the parties at length.

Considering the fact that no injury was caused and no recovery is to be effected from the petitioners and the matter is at the initial stage and seems to be an outcome of disharmony on account of an outburst of the results of the elections, the petitioners are granted the concession of interim bail subject to a strict condition that they will not stand in the street of the complainant and shall not conduct themselves in any manner to demonstrate their power or high-handedness towards the complainant. It is also open to the concerned Sarpanch and the SHO to explore a possibility of an amicable settlement at the initial stage.

Accordingly, the petitioners are directed to join investigation on 08.01.2025 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

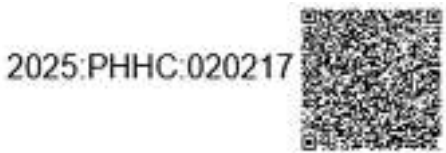
In the event of arrest, the petitioners be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioners shall abide by the conditions as envisaged under Section 482 of the BNSS, 2023.

It is made clear that, in case, the petitioners are found involved in any such activity once again, the present concession so granted shall automatically stand vacated.

Adjourned to 11.02.2025.”

(6) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.

(7) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 31.12.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) BNSS.



(8) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(10) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

11.02.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No