



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 116

Criminal Miscellaneous No.M-20090 of 2025

Date of Decision: April 09, 2025

Rajinder Singh & others

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: - Mr. Riffit Birla, 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 seeking pre-arrest bail in case FIR No.34 dated 17.02.2025 under Sections 115(2), 126(2), 351(2), 3(5), 324(4) of Bharatiya Nyaya Sanhita, 2023 (offence under Section 333 BNS added later on), registered at Police Station, Sadar Fazilka.

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

"Statement of Paramjit Kaur wife of Lal Singh son of Bachan Singh r/o Jhuge Lal Singh, tehsil and District Fazilka, aged about 52 years mb. No.94632-35587 Stated that I am resident of aforesaid address and is a housewife. That we alongwith family had gone to attend marriage on 16.02.2025 in relation at Shagun Palace, Fazilka. When we were coming back from marriage, vide riding on our car towards village Lal Singh then near phirni Abhishek Singh son of Harbhajan Singh, Rajinder Singh son of Gurdev Singh and Ranjit Singh son of Om Singh r/o Jhuge Lal Singh and one youth Dashampreet Singh son of Puran Singh r/o Dharmuwala Jalalabad were coming on two motorcycles behind our car with weapons and stopped our car and started damaging the car with weapons and attacked us and by taking out of the car started beating me with weapons, then in the meantime, my daughter in law Mamta Rani wife of Mandeep Singh alighted from the car and raised alarm and after making me sit in the car my son Mandeep Singh speedy the car from the spot then we went



to Hansa Singh, who is my father in law's house, then in the meantime, aforesaid youth came on their motorcycle behind us and entered the house of my father in law Hansa Singh and again attacked us and gave us beatings, then I raised alarm and on hearing my alarm Sheelu Bai d/o Hansa Singh also came there and saved me and my family from their clutches and many people gathered and on seeing them they ran away on their motorcycle with their weapons. The bone of contention is that my son Mandeep Singh solemnized marriage with village girl Mamta Rani with whom Mamta Rani's family was not happy. Due to this bone of contention, Mamta Rani's brother Abhisek Singh etc. attacked on 16.02.2025 and inflicted injuries upon me and my family and earlier also has attacked us many times and threatened to kill. Strict action should be taken against them. Statement has been recorded, heard, it is correct.

Sa/- Punjabi Paramjit Kaur verified by Lal Singh son of Bachan Singh, /o Jhuge Lal Singh, verified by sa/-Birbal Singh, ASI Chowki Ladhuka Mandi, Sadar Fazilka dated 17.02.2025, Police proceedings :

Today I ASI was present at Chowki Ladhuka then one telephonic call was received that Paramjit Kaur wife of Lal Singh r/o Jhuge Lal, MIR be received and action be taken, on which I ASI alongwith HC Vishavdeep 781/FZK. PHG Balwant Singh 7269 for recording the statement reached police station Sadar Fazilka and obtained MIR NO. SJK/ 43/2205/FZK dated 16.02.2025 of Paramjit Kaur wife of Lal Singh r/o Jhuge Lal Singh from MHC in which doctor has mentioned receipt of total 6 injuries, injury NO.1, 6 as blunt and injury No.2, 3, 4,5 cannot be assessed and injury No.1,6, were declared as simple and injury No.2,3,4,5, were kept under KUO and reached Civil Hospital Fazilka at the bed of aforesaid Paramjit Kaur injured, where injured Paramjit Kaur was seen having conversation with her husband on the bed, who got recorded her aforesaid statement before me ASI, which was read over to her word by word, who on finding the same to be correct. Signed in Punjabi below her statement and Lal Singh son of Bachan Singh signed in English and corroborated the statement, which was verified by I ASI. Offences under section 115(2), 126(2), 351(2), 3(5) , 324 (4) BNS are made out from the statement as well as MIR. Statement after being recorded is sent through PHG Balwant Singh No. 7269 to police station for registration of FIR against aforesaid. FIR number may be intimated after registration of FIR. PCR may be informed, I ASI alongwith fellow companions is proceeding to the spot. sd/- Birbal Singh, ASI Chowki Ladhuka mandi, P.S. Sadar Fazilka dated 17.02.2025”



3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that no specific injury has been attributed to anyone. No specific weapon alleged to have been carried by the petitioners, meaning thereby, they were by and large probably, empty handed and therefore, offence as alleged in the instant FIR cannot be made out against them. He further submits that petitioners are willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of the respondent-State. Learned State counsel could not controvert the fact that neither specific injury has been attributed to the petitioners neither there is any recovery of weapon, but opposes the grant of anticipatory bail to the petitioners and seek custodial interrogation of the petitioners to ascertain the true facts of the case.

4. **Analysis**

Be that as it may, considering the fact that petitioners have not been attributed any specific injury, no specific weapon is alleged to have been used in the commission of the alleged offence and also considering that nothing recovered from them. Hence this Court is of the view that custodial interrogation of the petitioners is not required.



4. **Relief**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioners behind the bars. The petitioners 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 petitioners do not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section



CRM-M-20090 of 2025

[5]

482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
Judge

April 09, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No