

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

147

CRM-M-29038-2025
DATE OF DECISION: 26.05.2025

GURINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit Giri, Advocate for the petitioner(s).

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

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 BNSS for grant of pre-arrest bail to the petitioner in case FIR No.34 dated 08.02.2025 under sections 115(2), 126(2), 3(5), 351(2) BNS 2023 & (u/s 303(2), 117(2) BNS 2023 added lateron) P.S Division No.8, District Police Commissionerate Ludhiana.

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

‘Statement of Complainant Bawandeep Singh Liddar alias Bawa son of Gurmeet Singh, resident of Village Kaddo, Tehsil Payal, District Ludhiana, aged approximately 29 years, Mobile: 98766-66370 stated that I am resident of the aforementioned address and I am permanent resident (P.R.) of Canada, where I work as a truck driver. On 01.01.2025, I had come back from

Canada to my native village for my marriage. On 06.02.2025, I left my house in my black Scorpio vehicle, accompanied by my friend Gurmukh Singh alias Guraan, to get medicine for my sister from Dr. Ashwani, located near Hero Heart Hospital, Ludhiana. At approximately 3:45 PM, I parked my vehicle near Hope Hospital and after getting down from the car, I proceeded towards the residence of Dr. Ashwani. At that moment, I was speaking to my sister on my mobile phone, which was a black I-Phone 14 Pro, while my friend Guraan remained seated in my car. When I was about to touch the door of Dr. Ashwani's house, I was suddenly surrounded by 5-6 unknown young men from behind, who were holding sticks in their hands and one of them had a kirpan (sword), which was scabbard. They started assaulting me physically. During this assault, my mobile phone fell from my hand onto the road. They threw me on the road and had beaten me severely. When I raised an alarm, my friend Guraan came running from the car to help me. Seeing a crowd gathering at the spot, all 5-6 unknown youth fled from the spot, issuing threats to kill me and escaped in a white Scorpio vehicle bearing registration number PB-10-GH-4467. Thereafter, my friend Guraan got me admitted at DMC Hospital, Ludhiana, for treatment. Legal action be taken against the said 5-6 unidentified young persons who assaulted me. I have given my statement voluntarily, it has been reduced into writing, read over to me, heard by me, and found to be correct. Sd/-Bawandeep Singh Attested by: Sunil Kumar, ASI 1052/Ldh Police Post DMC Hospital, Police Station Division No. 8, Ludhiana Dated 08.02.2025. Police Proceedings: Today, I SI along with Constable Gurpreet Singh No. 1696/Ludhiana and Constable Harpinder Singh No. 4131/Ludhiana, while engaged in official government duty, was present at the police post when a written report No. 78016 dated 07.02.2025 was received from injured Babandeep Singh from DMC Hospital, Ludhiana. Upon receiving this, I SI along with accompanying staff members

reached DMC Hospital, Ludhiana and submitted a written request to the doctor on duty for recording the statement of injured Babandeep Singh. The doctor certified Babandeep Singh fit to give a statement. Accordingly, I SI recorded the complete statement of injured Babandeep Singh word-to-word, which was typed by Constable Harpinder Singh No. 4131/Ludhiana on a private laptop, then printed and read aloud to the injured. After hearing and reading it, the injured confirmed the statement to be true and signed it in English beneath his statement. The statement was attested by me. From the contents of the statement, prima facie offences under Sections 115(2), 126(2), 3(5), and 351(2) of the Bharatiya Nyaya Sanhita (BNS) are found to be made out. Once the Medico-Legal Report (MLR) of injured Bawandeep Singh is received, further action will be taken as per the circumstances. This statement is hereby submitted for the registration of FIR against 5/6 unknown young persons. Constable Harpinder Singh No. 4131/Ludhiana is being dispatched to the concerned police station with the above said statement for the registration of FIR. After the FIR is registered, the FIR number shall be communicated. I SI along with my accompanying staff remain engaged in the investigation. Location: DMC Hospital, Ludhiana Time: 10:25 PM Sd/- Sunil Kumar, ASI 1052/Ludhiana Police Post: DMC Hospital Police Station: Division No. 8, Ludhiana Date 08.02.2025.'

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. He submits that the instant FIR was registered against some unknown persons and the petitioner was roped in the present case only on the basis of

supplementary statement which was given by the complainant after 5 days of alleged incident. It is further contention that co-accused Amritpal Singh @ Amrit has already been granted concession of bail by the Trial Court vide order dated 05.04.2025 and the petitioner is on the same footing.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner along with other co-accused persons caused multiple injuries to the complainant and the petitioner was identified in the CCTV footage given by the complainant.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties especially to the effect that the petitioner was not earlier not named in the FIR and was nominated on the basis of the supplementary statement given by the complainant; nothing is to be recovered from him; co-accused has already been granted concession of bail by the Trial 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. **Relief**

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

26.05.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No