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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-14342-2025 (O&M)

Date of decision: 05.04.2025

Resham Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Harmanpreet Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking anticipatory bail in case bearing FIR No. 207 dated 08.10.2023, registered under Sections 326, 452, 323, 506, 148 and 149 of IPC at Police Station Ajnala, District Amritsar (Rural).

2. As per the allegations, on the night of 21.09.2023, complainant Santokh Singh was sleeping in the verandah of his house along with his wife, whereas his children were sleeping in a room, when the petitioner and co-accused criminally trespassed into their house while being armed with weapons. Co-accused Binder Kaur made an exhortation, thereby instigating others to catch hold of the complainant and his family members and then the petitioner and co-accused opened an assault upon them, thereby causing injuries to the complainant and his family members. The clamour raised by them attracted his children, who rushed towards them and then the assailants fled away from the spot. The injured were rushed to the hospital. After

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registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Amritsar but the same had been dismissed, vide order dated 13.12.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is delay of 17 days in reporting the matter to the police, which has not been satisfactorily explained by the complainant side and it raises a reasonable doubt that the story of the complainant is a concocted one. No recovery is to be effected from the petitioner. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Even otherwise, a compromise has been effected between the parties and a petition for quashing of the present FIR on the basis of the said compromise has been filed before this Court, which is pending. While drawing attention of this Court towards Annexure P-2, which is a copy of the compromise deed stated to have been signed by the members of the complainant party as well as the party of the petitioner, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner, who had caused grievous injuries to the complainant by striking blows with a *datar*. His custodial interrogation is must for conducting thorough investigating in the matter. No extraordinary or sparing circumstance has been made out for grant of anticipatory bail. It is, thus, urged that the petition is liable to be dismissed.

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5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is further alleged to have opened an assault upon the complainant and his family members and is alleged to have caused injuries to them. The complainant had sustained a grievous injury in the incident. Though, at this stage, no relevance can be given to the contention that a compromise has arrived at between the parties, however, keeping in view the nature of the allegations as levelled against the petitioner and the attendant facts and circumstances of the case, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.04.2025

Wasem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No