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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.5597 of 2025
Date of decision: 14.02.2025**

Gavin Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shivam Grover, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Mr. Chanakya Batta, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0002	03.01.2025	Bilga, District Jalandhar Rural	115 (2), 118 (1), 117 (2), 118 (2), 191 (3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant Tanpreet Singh on the allegations that on 07.11.2024 he along with his cousin brother Gursimranjeet Singh

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and uncle Gurpal Singh was present at Sangatpur road and was watching kabaddi and cricket matches when the petitioner armed with an iron datar accompanied by co-accused Lovepreet Singh @ Lucky, Baljeet Singh @ Mani, and Jasdeep Singh @ Peeta who was also armed with weapons reached there. Accused Lovepreet Singh @ Lucky made an exhortation to not to spare the complainant and then the petitioner started hurling abuses to the complainant. Accused Lovepreet Singh @ Lucky opened an assault by giving blows with iron datar thereby injuring his left arm. The accused Mani hit the complainant with handle of a firearm which he was carrying. The petitioner struck blows to Gursimranjeet Singh with datar thereby hitting on the muscles of his left arm. The other assailants also caused injuries with their respective weapons. The clamour raised by them attracted other persons who rushed towards them and on seeing whom the assailants fled away. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide order dated 14.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the members of the complainant party were aggressors and had initiated the occurrence by hurling abuses to the petitioner. He along with his companions was present in a kabaddi tournament. They had caused injuries to him and his

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friends. The petitioner suffered a fracture on his hand and sustained several injuries caused by sharp edged weapon. He had also lodged a complaint but no action was taken by the police. He was a juvenile at the time of incident. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. He is entitled to benefit of bail as a matter of right even otherwise. Therefore, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Status report has been filed by the respondent-State. Learned Senior Deputy Advocate General, Punjab assisted by learned counsel for respondent No.2 has argued that there are serious and specific allegations against the petitioner who along with the co-accused had voluntarily caused simple as well as grievous injuries to the members of the complainant party. The injury No.2 as sustained by the complainant has been declared to be grievous in nature. The victim Gursimranjeet Singh had also sustained a grievous injury on the vital part of his body i.e. the head. He has also sustained injury on his left bicep which has been attributed to the petitioner. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. Therefore, it is urged that he does not deserve to be extended benefit of pre arrest bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner has placed on record a copy of his Aadhar Card as well as a certificate issued by the Principal of the school wherein he is

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studying showing his date of birth as 21.11.2006 which points out that as on the date of incident i.e. 07.11.2024, he was 17 years, 11 months and 16 days old. However, since at this stage, there is nothing on record to suggest that the petitioner has been treated as a juvenile or has moved any application for declaring him as such before the concerned Court, therefore, no conclusive finding can be given in this regard at this stage. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and is further alleged to have opened an assault upon the members of the complainant party thereby causing injuries to them. As per the status report, the injury which has been attributed to the petitioner on the person of Gursimranjeet Singh has been declared to be simple in nature. Keeping in view the nature of the attribution made to the petitioner, the number of injuries sustained by the victims as well as number of the alleged assailants, I am of the considered opinion that the petitioner deserves to be extended benefit of pre arrest bail. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and

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when called subsequently and submit all documents and details as may be called upon by him.

- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

(MANISHA BATRA)
JUDGE

14.02.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No