

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

Sr. No.: 104

Criminal Miscellaneous No.M-29373 of 2025**Date of Decision: May 26, 2025****Bachittar Singh @ Bittu**

..... PETITIONER(S)

VERSUS**State of Punjab**

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. S.S. Sohi, Advocate, for the petitioner.

Mr. Jastej Singh, Additional Advocate General, Punjab.

SANDEEP MOUDGIL, J (Oral)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.24 dated 23.03.2025 under Sections 115(2), 118(1), 351, 324(4), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (Sections 117(2), 118(2) of BNS Act added later on), registered at Police Station, Ghagga, District Patiala.

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

"At this time, Statement from Rajinder Singh @ Raju son of Sahib Singh r/o Atala, PS Ghagga, District Patiala aged approx. 37 years Mo. No.95017 43408 has been by ASI Buta Singh 1931/Pti Police Station Ghagga for registration of an FIR against Pargat Singh@Pappi, Bakhshish Singh, Bachittar Singh alias Bittu sons of Dalip Singh, Lovepreet Singh @Baljit Singh son of Pargat Singh, Paramjit Singh @ Pamma son of Arjan Singh, Yodha Singh son of Paramjit Singh @ Pamma residents of Atala Police Station Ghagga District Patiala for offences under Sections 115(2),118(1),351,324(4),191(3),190,BNS through Constable Baljinder Singh 3630, which reads as under, "Stated that I am a resident of the above address and do agricultural work. I and my



father Sahib Singh and my uncle Harpal Singh were standing in the street in front of the gate outside our house when Baljit Singh alias Lovepreet Singh son of Pargat Singh stood next to us. There was a discussion about the division of our Property ("roodiaan wali jgaah"), then Baljit Singh alias Lovepreet Singh went little away from us and called Paramjit Singh. Paramjit Singh started talking to us. Paramjit Singh also went away from us. Paramjit Singh called his uncle's sons, including Pargat Singh alias Pappi, Bakhsis Singh, Bachittar Singh alias Bittu, sons of Dalip Singh, Yodha Singh son of Paramjit Singh. All of them came up with sticks and axes, Paramjit Singh alias Pamma gave a "Lalkara"/shouted in loud voice, that those who encroach upon our property "roodiaan wali jgaah", we will send them back after giving them the property. Baljit Singh alias Lovepreet Singh hit my father on the forehead with an axe, Bakhsis Singh hit me with a stick, I blocked the hit with my arm and my left arm was hit and my nose was also injured. Pargat Singh hit my father with a stick, which hit his arm, and Yodha Singh son Paramjit Singh alias Pamma hit me with a stick, I blocked it with my right hand to protect myself, which hit between the fingers of my right hand, and they threw both of us down with a stick and a fist blows, My scooty, which was also parked next to me, was also damaged by them. We screamed for help by saying they killed us they killed us and people gathered after hearing our screams. Baljit Singh alias Lovepreet and others all took sticks, and axes and fled from the spot. Then people arranged a private vehicle for us and took us to CH Samana. Due to my father's serious injuries, he was referred to Patiala Hospital RH. Where I am now undergoing treatment. Our fight took place on 22.03.2025 at around 5.30 PM in the evening. Our fight took place over the village property ("Ruriya wali jgaah"). I have written a statement to you, I have read it and heard it correctly. Legal action should be taken against Pargat Singh alias Pappi, Bakhsis Singh, Bachittar Singh alias Bittu, sons of Dalip Singh, Lovepreet Singh, son of Pargat Singh, Paramjit Singh alias Pamma, son of Arjan Singh, Yodha Singh, son of Paramjit Singh alias Pamma, residents of Atala police station, Ghagga district, Patiala. I have written a statement to you, I have read it and heard it correctly.



Today, I SI along with SI Gurmeet Singh No.3148/Pati, Constable Baljinder Singh No.3630/Pati and PHG Surjit Singh No. 18023 reached Civil Hospital Samana for process. One MLR No. 18/SMN/2025 dated 22.03.2025 Rajinder Singh was received. Doctor has mentioned 4 injuries in total. Injury No. 2 & 3 are Sharp. Injury No. 1 is blunt. Injury 4 is not confirmed. One MLR No.RVS/19/SMN/2025 dated 22.03.2025 Rajinder Singh was received. In this doctor registered total 4 injuries, injury number 1, 2 and 3 are blunt, wound number 04 is not commented..."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case due to a property dispute related to land between the parties. The dispute is of civil nature and is pending adjudication before the competent civil court. Nothing is to be recovered from the petitioner. He further submits that the petitioner is willing to join the investigation.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent-State and submits that granting of anticipatory bail to the petitioner will defeat the right of the police to properly investigate the case. Thus, custodial interrogation of the petitioner is necessary to unearth the true facts.

4. **Analysis**

Be that as it may, considering the fact that the dispute, if any *prima facie* seems to be civil in nature inasmuch as over the division of roori land. Though the petitioner is named in the FIR but no injury has been



attributed to him. Therefore, since nothing seems to be recovered from the petitioner at the behest of investigating agency, wherein the inquiry would revolve around documentary evidence, and he is ready to join the investigation, custodial interrogation of the petitioner is not required.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her 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 petitioner behind the bars. The petitioner 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 petitioner does not



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comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 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

May 26, 2025

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No