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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13941-2025
DECIDED ON: 17.03.2025

KAMAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rahul Kumar Adia, Advocate
for the petitioner. (through Hybrid Mode).

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, 2023 for grant of anticipatory bail to the petitioner in FIR No.06, dated 19.01.2025, under Sections 333, 351(2), 324(4), 191(3), 190 of BNS, 2023, registered at Police Station Mehtiana, Hoshiarpur (Annexure P-1).

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

“Statement of Varinder Singh, son of Jaswinder Singh, resident of Village Ajram, Police Station Mohtiana, District Hoshiarpur, aged about 31 years, mobile number 98764-81669, stated that he is a resident of the aforementioned address and has come from Malaysia. It was around 11:50 PM on the night of 18-01-2025 when the main door of our house was knocked open. My sister-in-law, Narinder Kaur, thought that my husband had returned after finishing his duty. Then she open the gate and Then Kamal and



Sukha @ Abhisehk by pushing the door entered into house then llocked the door (Grill) Then I took the mobile from the bed then Kamal and Sukha @ Abhishk backed down. However, 3-4 unknown persons, who had covered their faces, armed with sticks and truncheons, and one of them carrying like a pistol, entered the house. They broke the scooter parked outside and smashed the TV set on the wall and another TV set placed on the lead wall. Then on hearing the noise neighbor woke up and, upon seeing them, the accused ran away with their weapons, threatening to kill me as they left. The reason for the attack seems to be related to the earlier quarrel, where they had been asking me to compromise, which I did not do. I request that action be taken. I have given this statement in the presence of my father, Sahi/-Winder Singh. Signed, Jaswinder Singh.'

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and nothing has been recovered from him. He has argued that the petitioner was not even present at the scene of the alleged incident, moreso, no injury whatsoever has been attributed to the petitioner. He contends that the father of the complainant is undergoing the sentence of 20 years in NDPS case and on that account the complainant planted the concocted version against the petitioner. He further contends that the co-accused namely Abhishek Sahota @ Sukha has already been granted concession of anticipatory bail vide order dated 20.02.2025 passed in CRM-M-10028-2025 (Annexure P-4), therefore, prays for grant of anticipatory bail to the petitioner.



Learned counsel for the petitioner further 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/complainant

On the asking of Court, learned State Counsel accepts notice on behalf of respondent/State. They pray for dismissal of the present petition stating that the petitioner is a habitual offender, as he is involved in one another case.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no injury whatsoever has been attributed to the petitioner; nothing has been recovered from the present petitioner and co-accused has already been granted concession of anticipatory bail, moreso, no incriminating material has been put forth by the State to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as "***Baljinder Singh alias Rock vs. State of Punjab***" decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the



time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

5. **Relief**

Hence, the petitioner is 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. 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 comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

17.03.2025

anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*