

PBBT010075632025



Presented on : 01-07-2025
Registered on : 02-07-2025
Date of Order : 07-07-2025
Pending for :19-07-2025

IN THE COURT OF SHRI GAGANDEEP SINGH GARG,
ADDITIONAL SESSIONS JUDGE,
BATHINDA
(UID No.PB00295)

BA/2779 of 2025

First Application for Anticipatory Bail

FIR No. 99 dated 1.6.2025,
under Section 118(1),115(2), 190,191(3), 351(2), 324(4)
of BNS, 2023,
Police Station Nehianwala, District Bathinda.

Gursahib Singh, aged 29 years, son of Balwinder Singh, resident of
House No.3, village Khokhar, District Sirsa (Haryana).
.....*Petitioner.*

VERSUS

State of Punjab
.....*Respondent*

Shri Lakhvinder Singh Hari, Advocate, for the petitioner (accused).
Sh.Chand Kumar, Additional Public Prosecutor for the State.
Sh.Lakinderdeep Singh Sidhu, Advocate for complainant.

ORDER

1. Petitioner Gursahib Singh apprehending his arrest in
abovesaid FIR has filed the instant application under Section 482 of

(Gagandeep Singh Garg),
Additional Sessions Judge, Bathinda. (UID-PB0295)

BNSS, 2023 for the grant of anticipatory bail.

2. It is pleaded that it is the first bail application filed on behalf of the petitioner. The application is supported with affidavit of petitioner in this regard. It is pleaded that the petitioner has been falsely implicated. The petitioner did not cause any injury to the complainant or to the wife of the complainant. There is delay in registration of the FIR. It is pleaded that the injuries are simple in nature. The same are self suffered. The petitioner has no role to play pertaining to the alleged property dispute. No recovery is to be effected from the accused, who is ready and willing to join the investigation. Hence the application.

3. The report of the Ahlmad is on record as per which it is the first bail application under Section 482 BNSS moved on behalf of petitioner-accused in the present FIR and no other bail application is decided or pending in this Court or in any Hon'ble Superior Court.

4. As per the allegations leveled against the accused, the present FIR has been registered at the instance of complainant Gurpreet Singh against accused Gursahib Singh, Gursewak Singh, Jagsir Singh, Sewak Singh, Kala and Manpreet Singh. It is alleged that the family of the complainant owned a total of 21 acres of land. As per the oral family partition, the complainant alongwith his brother namely Manpreet Singh and father namely Jagsir Singh got 7 acres land each. However, Manpreet Singh used to pressurize the complainant and his father to give additional land to him. It is alleged that on 30.5.2025 at about 7.00p.m., the accused

went to the house of the complainant. They started pressurizing the complainant to give additional land to Manpreet Singh. It is alleged that at about 7.15p.m., the accused Manpreet Singh got agitated and started abusing the complainant. Gursahib Singh instigated the others and threatened the complainant. Gursahib Singh asked co-accused Sewak Singh to fetch a sword from their Car. Thereafter accused Gursahib Singh picked a kassia (household instrument with sharp edged iron plate affixed on the same) which was lying on the spot. Gursewak Singh caught hold of the arms of the complainant and the accused Gursewak Singh caused injuries on the leg of the complainant with the said weapon. The accused Gursewak Singh also gave the blow on the lower left leg of the complainant who fell down on the floor. The other accused started beating the complainant causing injuries on the person of the complainant. When Sukhjit Kaur wife of the complainant came ahead to save her husband, then Gursahab Singh pushed her and broke the mobile phone carried by her. The complainant party raised an alarm. People started gathering on the spot. Accused run away from the spot alongwith the weapon of offence. The complainant was got admitted in the hospital. On the receipt of the information the present FIR has been registered.

5. The notice of the bail application has been served upon the Ld. APP for the state. The police record is produced and perused. Statement of HC Jaswant Singh, No.370/Bathinda Police Station Nehianwala, District Bathinda has been recorded to the effect that the FIR

has been registered against accused Gursahib Singh, Gursewak Singh, Jagsir Singh, Sewak Singh, Kala and Manpreet Singh. The applicant has not been taken into custody. No other FIR has been registered against the accused. No other offence has been added in present FIR. It is stated by him that the accused namely Gurdeep Singh @ Babbu has been nominated in present FIR vide DDR No.16 dated 7.6.2025. It is stated by him that the accused Jagsir Singh has been declared innocent.

6. I have heard learned Additional Public Prosecutor for the State, assisted by the learned counsel for the complainant and learned counsel for the accused. I have gone through the record of the case.

7. It is argued by the learned counsel for the accused that the offence attributed upon the accused apart from Section 118 (1) BNS are bailable. It is argued that the offence under Section 118 (1) BNS is not made out against the applicant. It is argued that no recovery is to be effected from the applicant. No injury has been attributed upon the accused. It is argued that the accused has been falsely implicated as there is some property dispute between the complainant and his brother. It is argued that the co-accused have already been granted anticipatory bail. It is, therefore, prayed that the accused may be granted the relief of pre-arrest bail.

8. On the other hand it is argued by the learned Additional Public Prosecutor for the State assisted by the learned counsel for the complainant that the applicant-accused Gursahib Singh is the main

aggressor and the occurrence took place on account of his illegal act. It is argued that the accused formed an unlawful assembly and acted in furtherance of common object of the same. The accused illegally entered inside the residential house and caused injuries with the use of sharp edged weapon. The accused pushed the female on the spot and broke the mobile phone. Therefore, it is prayed that there is no ground to grant any anticipatory bail to the accused

9. The guiding parameters as laid down by the Hon'ble Apex Court for disposal of the application for pre-arrest bail are outlined in case law cited as **Gurbaksh Singh Sibbia v. State of Punjab, (SC) 1980 AIR(SC) 1632, Bhadresh Bipinbhai Sheth v. State of Gujarat and Another 2015 AIR(SC) 3090 and Sushila Aggarwal and others - Petitioners Versus State (NCT of Delhi) and another – Respondents 2020 AIR (SC) 831**. The same are as under:-

- (a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (c) The possibility of the applicant to flee from justice;
- (d) The possibility of the accused's likelihood to repeat

similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The Courts must evaluate the entire available material against the accused very carefully. The Court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the Court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused is entitled to an order of bail.

10. In the present case the offence under Section 115(2), 190, 191 (3), 351 (2), 324(4), BNS, are bailable in nature. The only non-bailable offence attributed upon the accused is punishable under Section 118(1)BNS. It is the allegation against the accused that the accused illegally entered the residential house of the complainant. The accused acted in furtherance of common object of the unlawful assembly. The co-accused caused injuries on the person of the complainant. A sharp edged weapon was used in the incident. The petitioner damaged the mobile phone of the wife of the complainant. The statement of the IO has been recorded. He has received the report from the concerned doctor. The injuries on the person of the complainant have been declared to be simple in nature. The offence under Section 118 (1) BNS is punishable with maximum imprisonment for three years. The co-accused have already been granted pre arrest bail. I am of the considered opinion that the authenticity of allegations against the accused can only be adjudged during the course of trial. In these circumstances, there is no legal

impediment in extending the benefit of interim bail to the applicant (accused).

11. Accordingly, on the basis of the findings given above the petitioner-accused is granted the concession of interim bail. The accused/applicant shall appear before the investigating officer and join the investigation within a period of 07 days from today and cooperate with the investigating agency. In the event of the accused joining the investigation, the petitioner shall be released on bail to the satisfaction of the arresting officer/IO/SHO concerned police station. Further, following conditions are imposed upon the accused :

- a) That accused shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;
- b) That accused shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence; and
- c) That accused shall not leave the country without prior permission of Court.

12. The application be put up on 19.07.2025 for awaiting report of the IO. A copy of this order be forwarded to the SHO for compliance.

The observation made in the order shall have no reflection on the merits of the case.

Date of Order: 7.7.2025
(Suman Bala, Stenographer)

(Gagandeep Singh Garg),
Additional Sessions Judge,
Bathinda /7.7.2025
(UID-PB0295)

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