

Happy Singh Vs. State of Punjab
BA No.3076/2025

FIR No.140 dated 3.09.2024,
Under Section :- ,333,115(2),238,3(5) of BNS
Police Station :- Nihal Singh Wala.

**Application under Section 482 of BNSS for grant
of anticipatory bail.**

Present :- Shri Harjit Singh, Advocate for the applicant/accused, namely
Happy Singh.
Shri Sukhdev Singh, learned Additional Public Prosecutor for the
State.

Order :

1. Today, learned counsel for accused/applicant has moved an application for adding Section 238 BNS in the bail application and for correction of date of FIR i.e. 3.09.2025 to 3.09.2024, which is allowed, in view of the averments mentioned in the application.

2. Apprehending his arrest, the accused/applicant has filed the instant application under Section 482 of BNSS, for grant of anticipatory bail. The concerned Ahlmad has reported that as per CIS website and the Hon'ble High Court site, no other bail application is pending in the present FIR. On 30.09.2025, ASI Varinder Kumar, No.408/Moga, Police Station Nihal Singh Wala produced the record of investigation and had made the statement that no bail application of accused/applicant has been decided by this Court. No such bail application has been decided by the Hon'ble High Court or is pending before the Hon'ble High Court, in this case. Custodial interrogation of accused/applicant is required. However, no other criminal case has been registered against the accused/applicant except the present case.

2. Today, ASI Sukhchain Singh suffered separate statement that in the present case, the offence punishable under Section 331(6) BNS has not been added so far.

3. Arguments heard. Learned counsel for accused/applicant has argued that the applicant is innocent and the police has falsely implicated him in the case. Learned counsel also argued that there is inconsistency between medical evidence and ocular evidence. Moreover, all the injuries reported in the FIR

are simple in nature. He has not caused any injury to the complainant. He has apprehension of his arrest as the police is raiding his residence. His custodial interrogation is not required and he is ready to join the investigation. Presentation of challan and conclusion of trial will take long time and no purpose would be served by sending the applicant behind the bars. The applicant will not make any kind of threat or inducement to any person, who is acquainted with facts of the case. Thus, the accused/applicant may kindly be granted concession of pre-arrest bail.

4. On the other hand, learned Additional Public Prosecutor for the State hotly contested the bail application and argued that applicant/accused has committed offences punishable under Sections 333,115(2),3(5) of BNS. For the purpose of thorough investigation, custodial interrogation of the accused/applicant is required. Thus, the accused/applicant is not entitled to get concession of anticipatory bail.

5. This Court has heard learned counsel for accused/applicant, learned Additional Public Prosecutor for the State and perused the record. Present case was registered at the instance of Balwinder Singh @ Wadha son of Ajaib Singh. It is in the accusation that he was doing sewa in gaushala in Village Mannuke Gill. On 27.08.2024 at about 8.30 p.m., due to fever he was lying in the room of his house. Main door of the house was knocked by someone and he opened the door. Happy @ Kutti Kut son of Gurnaib Singh armed with iron sable, Gurwinder Singh @ Moti son of Jagga Singh armed with iron rod and unknown person armed with iron rod trespassed into his house. While trespassing his house, Happy gave sable blow on his head. Happy gave another sable blow hitting shoulder of his left arm. Gurwinder Singh @ Moti gave three blow of iron rod hitting near elbow of right arm, near wrist of right arm and on his right hand. Unknown person gave blow of iron rod hitting on his left arm. He raised alarm. On this, all the assailants along with their respective weapons ran away from the spot. His friend Gurjant Singh son of Sukhdev Singh made arrangement for conveyance and took him to Civil Hospital, Moga, where he was treated. Talks for compromise were going on, but could not materialized. On the basis of abovesaid statement, FIR was registered. Later on offence under Section 117(2) BNS has been added, vide

DDR No.6 dated 5.09.2024. Thereafter, offence under Section 238 BNS was also added, vide DDR No.26 dated 23.09.2025.

6. This Court has heard arguments advanced by learned counsel for accused/applicant, learned Additional Public Prosecutor for the state and have gone through the record carefully. As per prosecution allegation, the accused/applicant armed with iron sable caused injuries on head and on right upper arm of the complainant. Said injuries fall under Section 115(2) BNS. The only non-bailable offence in the present case is 333 BNS. The criminal liability of the accused/applicant is a matter of trial and he is ready to join the investigation and cooperate in the investigation. As such, his custodial interrogation is not required with the investigating agency.

7. Thus, in view of my above discussion, the applicant/accused is granted interim bail and he is directed to appear before the Investigating Officer and join the investigation within a period of 7 days and in the event of his arrest, he be released on furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions :-

- I) That the applicant shall join the investigation as and when called by the investigating officer;
- II) That the applicant 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) That the applicant shall not leave the country without prior permission of the Court.

Now, to come come up on 24.10.2025 for awaiting report of Investigating Officer.

**Pronounced in open Court,
On 18.10.2025.**

Typed by Jagjit Singh Panesar, Stenographer-I

**(Muneesh Arora)
Additional Sessions Judge,
Moga (UID No.PB00135)**