

In the Court of Dharminder Paul Singla,
Additional Sessions Judge, Fazilka
[UID No.PB0083]

Case Type	BA
Regn. No.	BA-2382-2025
CNR No.	PBFZC000-5869-2025
Date of order	02.09.2025.

1.

Harjinder Singh @ Rajinder Singh, aged about 32 years son of Satnam Singh,
2.

Gurdev Singh, aged about 28 years son of Satnam Singh, both residents of VPO Jandwala Mira Sangla, Tehsil and District Fazilka.

Accused/Applicants

Versus

State of Punjab.

Respondent.

FIR No. 63 dated 30.07.2024
U/s 333/115(2)/324(4)/3(5) BNS
P.S. Khui Khera

Application under Section 482 of BNSS, 2023.

Present: Shri Pardeep Kumar, Advocate for Applicants/Accused
Shri Amandeep Singh, Ld. Additional PP for the state along-with ASI Malkeet Singh.

ORDER

1.

This order of mine shall dispose of application for anticipatory bail under Section 482 of BNSS, 2023, moved by accused/applicants in case FIR No. 63 dated 30.07.2024 for offence U/s 333/115(2)/324(4)/3(5) BNS, registered at P.S. Khui Khera.
2.

Learned counsel for the applicants-accused pressed for anticipatory

Dharminder Paul Singla
Addl. Sessions Judge,
Fazilka/date: 02.09.2025

bail on the ground that the present occurrence allegedly taken place on 04.07.2024, whereas FIR has been got registered on 30.07.2024, which is after a gap of 26 days. He further pressed that the present FIR has been got registered with due deliberation with ulterior motive. He further pressed that the applicants-accused as well as his family members have also suffered injuries as per the allegations in the FIR, because MLRs were received, but police has not taken any action against the opposite party, though it is a cross version. He further argued that all the offences have punishment below seven years, whereas no notice under section 41(A) Cr.P.C./35(3) BNSS has been served upon the applicants-accused, which is mandatory in view of law laid down by the **Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar, 2014 (4) Mh. LJ (Criminal) 47 and Satender Kumar Antil Vs C.B.I. and Another 2022 Livelaw (SC) 577**. He further argued that the applicants-accused are ready to join the investigation and prayed for protection and anticipatory bail on these grounds.

3. Learned Additional PP for the state opposed the bail application though he has fairly got recorded the statement of ASI Malkeet Singh in regard to the fact that no notice under section 35(3) BNSS has been served upon the applicants-accused, but he prayed for dismissal of the bail application.

4. After hearing their respective submissions and perusal of record reveals the fact that the complainant Kashmir Singh has got registered the case against four persons by name including applicants-accused Harjinder Singh @ Rajinder Singh and Gurdev Singh, whereas the applicants-accused are also making counter allegations against the complainant party in regard to suffering of injuries at the hands of the complainant party. As such, allegations and counter allegations have yet to be determined during trial being a cross version. However, all the alleged offences in the FIR have punishment below seven years, but admittedly no notice has been served upon the applicants-accused, which is mandatory in view of law laid down by **Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar, 2014 (4) Mh. LJ (Criminal) 47 and Satender Kumar Antil Vs C.B.I. and Another 2022 Livelaw (SC) 577**.

5. As such, in view of above legal position and the facts on record, execptional circumstances are made out in favour of the applicants-accused and

they require protection, though they are bound to join the investigation. Accordingly, present bail application moved by applicants-accused for anticipatory bail under section 482 of BNSS 2023 shall stand allowed with the directions to the applicants-accused to appear before learned Area Magistrate/Duty Magistrate or before the Investigating Officer within 15 days from today and in case of their appearance before learned Area Magistrate/Duty Magistrate or before Investigating Officer, they are ordered to be released on bail subject to the satisfaction of that very learned Court/Investigating Officer. However, prosecution shall be at liberty to move an application for cancellation of bail, if applicants-accused shall not comply with the order within 15 days.

6. However, any observation given in this order shall not effect on merits of the main case. Copy of order be sent to learned Area Magistrate/Investigating Officer by Ahlmad for compliance. Police record be returned, whereas bail application file be consigned to the Record Room after due compilation.

Pronounced:

Dated:02.09.2025

Jasvir Steno-II

(Dharminder Paul Singla),
Addl. Sessions Judge,
Fazilka.[UID No. PB0083]

Harjinder Singh etc Vs State of Punjab

Present: Shri Pardeep Kumar, Advocate for Applicants/Accused
Shri Amandeep Singh, Ld. Additional PP for the state along-
with ASI Malkeet Singh.

Police record produced. Arguments heard. Vide my separate
detailed order of even date, instant bail application has been allowed as
detailed therein. One copy of this order be sent to the Ld. Area
Magistrate/Investigating Officer by Ahlmad of this court for compliance.
Police record be returned and papers of bail application file be consigned
to the record room after due compilation.

Pronounced:

Dated:02.09.2025

Jasvir Steno-II

(Dharminder Paul Singla),
Addl. Sessions Judge,
Fazilka.[UID No. PB0083]