

PBBT010051432024



Presented on : 01-05-2024
Registered on : 02-05-2024
Decided on : 23-05-2024
Duration : 0 years, 0 months, 22 days

IN THE COURT OF
Additional Sessions Judge, Bathinda
(Presided Over by Sh. Rajiv Kalra PB0098)

BA/1588/2024

Application for anticipatory Bail
FIR No. 49 dated 20.04.2024
U/s 324, 326, 34IPC
PS Nehianwala, District Bathinda

Gurmandeep Singh aged about 22 years son of Balkar Singh resident of village Harraipur Tehsil and District Bathinda

.....Applicant-accused

versus

State of Punjab

Sh. K.S.Sidhu, Advocate, counsel for applicant
Sh. Aseem Goyal, Public Prosecutor for State assisted by Sh. Raj Kumar Goyal,
Advocate, counsel for complainant

ORDER
(Delivered on 23-05-2024)

1. This is an application under Section 438 CrPC filed by the applicant Gurmandeep Singh seeking anticipatory bail in FIR No. 49, dated April 20, 2024, under Sections 324, 326, 34 IPC, as registered with PS Nehianwala, District Bathinda.

2. The case was registered on the basis of the statement provided by Jones who informed the police that on 15.4.2024, two motorcycles collided with each other in front of their shop and on one of the

motorcycles, a small child was travelling. His father asked the said motorcyclist to drive carefully, who got annoyed and twisted the arm of his father. Said person left the spot while threatening the father of complainant for consequences. On 16.4.2024, four persons came to the shop of complainant on a City Honda car bearing no. PB03BL-8827. Two of them were having kirpans and two were having sticks and they asked his father to come out of the shop. The father of complainant inquired the reason for fighting with him and they all returned back. Again at about 8.15 PM, when the complainant and his father were closing their shop, those persons came in front of their shop in a car.

3. The complainant alleged that the driver of the car raised exhortation and gave a kirpan blow towards the complainant and the complainant raised his left hand to ward off the blow and the blow rested on the wrist joint of his left hand. Another person gave blow of his kirpan on the little finger of complainant. The other persons gave dang blows to his father. In the meantime, lot of people gathered at the spot and the accused persons fled away with their weapons.

4. Based upon such information coupled with medical record, the local police filed a formal FIR under Sections 324, 326, 34 IPC. Apprehending his arrest, the applicant has now approached this Court seeking anticipatory bail.

5. I have heard and considered the contentions of both sides.

6. During the course of arguments, it is represented that the matter has been amicably solved between both sides and the copy of compromise

deed was provided to Investigating Officer for verifying the fact. Today, the Investigating Officer submitted his status report that although the parties have effected compromise, but the police required custodial interrogation of the applicant and co-accused. At this outset, both the private counsels for parties furnished order dated 10.05.2024 passed by the Hon'ble Punjab and Haryana High Court in CRM M-23374 of 2004 with regard to a petition filed for quashing of FIR due to compromise and the Hon'ble Court has directed the trial Court for recording the statements of parties.

7. Having record to these peculiar circumstances, the demand of police for custodial interrogation of the applicant is unjust and not sustainable. There is no legal impediment in extending benefit of pre arrest bail to the applicant.

8. Consequently, the bail application is allowed, and the applicant is directed to join the investigation within 10 days from today. In case of arrest, the applicant shall be released on bail upon providing bail bonds to the satisfaction of the arresting officer/investigating officer. The applicant must adhere to the conditions outlined in Section 438(2) read with Section 437(3) CrPC

9. A copy of this order shall be sent to the relevant quarters.

10. Records be consigned.

PRONOUNCED IN OPEN COURT ON 23rd MAY 2024

Rajiv Kalra (PB0098)
Additional Sessions Judge, Bathinda

typed by: manju
stenographer