



CRM-M-18252-2025

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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18252-2025
Reserved on: 09.04.2025
Pronounced on: 29.04.2025

SUKHPAL SINGH @ JAJI ...PETITIONER
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.
Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
95	27.11.2024	Rureke Kalan, District Barnala	115(2), 118(1), 127(2), 3(5) of BNS and Section 118(2) added later on

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, BNSS], seeking anticipatory bail.
2. In paragraph 14 of the bail petition and reply, the accused has no criminal antecedents.
3. Facts of the case have been taken from reply dated 08.04.2025 filed by the concerned DySP, which reads as follows:

“FIR No.95 dated 27.11.2024 u/s 115(2). 118(1), 127(2), 3(5) of BNS (offence u/s 118(2) BNS added later on) P.S. Rureke- Kalan was registered against Lakhvir Singh son of Gurjant Singh and Sukhpal Singh @ Jaji son of Gurjant Singh residents of Rura Patti, Dhaula on the basis of statement of Happy Singh son of Darshan Singh son of Kahan Singh resident of Janda Wala Road, ghumiaranwali Street, Barnala to the effect that he was having friendship with Gulab Singh son of Kuldeep Singh. That marriage of Kulwinder Kaur, who is elder sister of Gulab Singh, was solemnized about 12/13 years back with Lakhvir Singh and out of that wedlock, two sons were born. That Lakhvir Singh husband of Kulwinder Kaur was habitual of consuming liquor and used to beat Kulwinder Kaur under the influence of liquor and due to that reason, Kulwinder Kaur started residing at her parental place at Barnala along-with her children from the last 7/8 months. That on 25.11.2024, Kulwant Kaur was sent to her matrimonial home at village Dhaula. On the same day, at about 10:30 PM, he along-with Gulab Singh and Jaman Sharma were talking with each other while sitting in the house of Jaman Sharma as his father was ill on account of death of his mother. It was at about 11:45 PM, Paramjit Kaur mother of Gulab Singh made phone call to Gulab Singh that Lakhvir Singh husband of Kulwinder Kaur and Sukhpal Singh @ Jajjibrother in law of Kulwinder Kaur are



abusing Kulwinder Kaur and turning her out of the house by keeping beatings. Upon which he along with Gulab Singh and Jaman Sharma while riding on motorcycle bearing registration number PB19U6271 make Delux being driven by Gulab Singh and another motor-cycle bearing registration no. PB-19S-3802 make Delux driven by Yadav Sharma, reached at the matrimonial house of Kulwinder Kaur at village Dhaula. It was at about 12:30 AM, Gulab Singh knocked the door of the house of Kulwinder Kaur and the same was opened by Sukhpal Singh. Then Gulab Singh enquired whereabouts of Kulwinder Kaur from Sukhpal Singh. In the meantime, Lakhvir Singh armed with axe and was under the influence of intoxication started abusing them, whereas Sukhpal Singh brought iron dah from inside the house and they both tried to giving injuries with their respective weapons on the person of Gulab Singh. He came forward to rescue Gulab Singh, upon which, Sukhpal Singh gave blow of dah towards his head, which hit above the left eye. Lakhvir Singh gave blows of handle of spade on his legs, arms and other parts of the body. Gulab Singh and Jaman Sharma raised the alarm but both the above-said accused persons took him inside the house and bolted the door. Sukhpal Singh gave blows of iron dah on his left arm and fingers of right hand, whereas Lakhvir Singh gave blows of handle of spade on his body. He raised the alarm and on hearing the same, neighbors gathered on the spot and on seeing the people gathered there, both the accused persons ran away from the spot along-with their respective weapons while threatening him. There-after Gulab Singh disclosed the entire incident to his friend Naveen Kumar and he came on the spot and after arranging the vehicle, he was got admitted at CH Barnala and from where he was referred to any higher centre as he had received many injuries. That there-after his family members got admitted him at AIMS Hospital, Bathinda. On the basis of said statement, the present FIR was registered against above said two persons.

4. Petitioner's counsel argued that complainant party had entered their house at the midnight which shows criminal trespass at night and worst case of scenario, it was a case of right of defense. Even if they had exceeded the right of defense, it would not make out a case to deny bail. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence prescribed more than 03 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State's counsel opposes bail and submits that initially they assaulted Kulwinder Kaur and that the reason for which the complainant party had come to the house was very genuine because they had received an information about beatings being administered to Kulwinder Kaur by her husband Lakhvir Singh and the petitioner-Sukhpal Singh, who was her brother-in-law.
6. It would be appropriate to refer to the following portion of the reply, which read as follows:

THE EVIDENCE AGAINST THE PETITIONER:

i) Sukhpal Singh (present petitioner) has been specifically named in the FIR and. The petitioner who was armed with iron Dah and his co-accused Lakhvir Singh was armed with axe, both under intoxicated inflicted 9 injuries



to Happy Singh (complainant of the case. Out of the 9 injuries, injuries No. 1,2,3,4,5,6 and 7 are attributed to the petitioner.

ii) There are statements under section 180 BNSS of witnesses namely Gulab Singh and Jaman Sharma (both eye witnesses) and Naveen Kumar son of Babu Ram, who got the complainant admitted in the hospital for treatment. According to the statements of witnesses, there is sufficient evidence against the present petitioner Sukhpal Singh.

THE ROLE OF THE PETITIONER:

The present FIR was registered against the petitioner and his co-accused Lakhvir Singh on the statement of Happy Singh, who is the friend of Gulab Singh, whose sister Kulwinder Kaur was married with Lakhvir Singh. Lakhvir Singh was habitual of consuming liquor and used to beat Kulwinder Kaur under the influence of liquor and due to that reason, Kulwinder Kaur started residing at her parental home at Barnala along-with her children residing at her parental home at Barnala along-with her children from the last 7/8 months. On 25.11.2024, after effecting compromise in both the parties. Kulwinder Kaur was sent to her matrimonial home at village Dhaula. On the same day, at about OF 11.45 PM, Paramjit Kaur mother of Gulab Singh made phone call to Gulab Singh that Lakhvir Singh husband of Kulwinder Kaur and Sukhpal Singh @ Jajjibrother in law of Kulwinder Kaur are abusing Kulwinder Kaur and turning her out of the house by of giving beatings. Upon which, complainant Happy Singh along with Gulab Singh and Jaman Sharma, while riding on motor-cycles, reached at the matrimonial house of Kulwinder Kaur at village Dhaula. It was at about 12:30 AM, Gulab Singh knocked the door of the house of Kulwinder Kaur and the same was opened by Sukhpal Singh. Then Gulab Singh enquired whereabouts of Kulwinder Kaur from Sukhpal Singh. In the meantime, Lakhvir Singh armed with axe and was under the influence of intoxication started abusing them, whereas Sukhpal Singh (petitioner) brought iron dah from inside the house and they both tried to giving injuries with their respective weapons on the person of Gulab Singh. Happy Singh (complainant) came forward to rescue Gulab Singh, upon which, Sukhpal Singh gave blow of dah towards his (complainant) head, which hit above the left eye. Lakhvir Singh gave blows of handle of spade on his legs, arms and other parts of the body. Gulab Singh and Jaman Sharma raised the alarm but both the above-said accused persons took him inside the house and bolted the door. Sukhpal Singh gave blows of iron dah on his left arm and fingers of right hand, whereas Lakhvir Singh gave blows of handle of spade on his body. He (complainant) raised the alarm and on hearing the same, neighbors gathered on the spot and on seeing the people gathered there, both the accused persons ran away from the spot along-with their respective weapons while threatening him. So, a specific role is attributed to the petitioner in the commission of present offence.

REASONING:

7. Analysis would lead to the following outcome undoubtedly, the complainant party was aggressor but the fact remains that the reason for which they had come at the midnight was that they had come to know about the assault on Kulwinder Kaur, who was married to petitioner's brother. On reaching their house, they were brutally assaulted there and as many as 09 injuries were reported on the body of the complainant. It would be appropriate to refer to para 3 of the reply regarding injuries, which reads as follows:-



"xxx xxx xxx xxx

3. That during investigation rough site plan of the place of occurrence was prepared and statements of witnesses u/s 180 BNSS were recorded. In MLR No. RG/CH BNL/9/24 dated 26.11.2024 of Happy Singh, 9 injuries i.e. injuries No.2,3,4,5,8,9 as blunt and injuries No.1,6 and 7 as sharp were reported as under:-

Sr. No.	Injuries Details	Injury Number
1.	Incised wound about 7 cm X 1 cm on left side of forehead just lateral to left eyebrow extending towards midline with depressed cranial fracture. Advised NCCT Head	1
2.	Periorbital Edema Left eye. Advised: NCCT Head	2
3.	Lacerated wound about 2 cm X 0.5 cm on posterior surface middle phalynx left hand right finger. Advised X-ray	3
4.	Lacerated wound about 1 cm X 0.5 cm on posterior surface of middle phalynx middle finger left hand	4
5.	Lacerated wound about 1 cm X 0.5 cm on posterior surface of proximal phalynx little finger left hand	5
6.	Incised wound about 1 cm X 0.5 cm on post-surface of middle phalynx of middle finger of right hand. Advised X-ray	6
7.	Incised wound about 1 cm X 0.5 cm on post-surface of ring finger of right hand	7
8.	Swelling about 6 cm diameter on left lower leg. Advised x-ray	8
9.	Swelling with abrasion about 7 cm diameter on right lower leg. Advised x-ray	9

Report regarding nature of injury on the person of Happy Singh was obtained on 13.12.2024 and the doctor reported Injuries No.1,2,3,5 and 7 as Grievous and injuries No.4,6,8 and 9 as simple in nature.
On the basis of said injury report, offence u/s 118(2) BNS was added vide DDR No.17 dated 13.12.2024."

8. Thus, the allegations by the complainant are to be corroborated by injuries by the medical evidence. One of the injury was received on left eye which is part of the skull and which is one of the most vital part of the body. The petitioner was named in the FIR and was attributed blows by Iron dah. As many as five injures were reported as grievous. Thus, on face of it, the petitioner and other accused acted with extreme cruelty and inflicted injuries on vital parts of the body.
9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.



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10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.04. 2025
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Whether speaking/reasoned: Yes
Whether reportable: No.