

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51607-2024
Reserved on: 15.01.2025
Pronounced on: 27.01.2025

Sukhjinder Singh @ Babban Mann ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
122	19.09.2024	Kotwali, Distt. Bathinda	118(1), 115(2), 191(3), 190, 351(3) of BNS, 2023

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 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts of the case are being taken from the FIR, which reads as follows:
“Statement of Rajinder Singh son of Jagsir Singh son of Nazar Singh resident of village Dhilwan Kalan, Tehsil Kotakpura District Faridkot aged about 29 years, mobile No. 87278-xxxxx, I would like to state that I am resident of above noted address and doing study of MA (Philosophy) in Government Rajindra College, Bathinda. I am member of State Committee of Punjab Students Union and use to join the agitations done regarding the education matters and benefits of the students in Educational institutions. Apart from it, our organization is also raising voice against the drug smugglers and outsides and bad elements who are taunting on girls in the colleges. Due my said activities, on 18.09.2024 at 12.30 PM, I along with my friend Lakhvir Singh son of Sarabjit Singh resident of

Bajakhana, Faridkot were sitting in the canteen of college then Lakhi Chahal resident of village Bhaini Chuhan Maur, Babban Mann resident of Maur Mandi, Arsh Brar resident of Maur Mandi, Lakhvir Singh @ Lakhi resident of Jodhpur, District Bathinda, Bobby Preet and 6-7 unknown persons came in the canteen of college, Arshbrar was armed with iron rod, Babban Mann was armed with Kirpan, Bobby Preet was armed with Baseball and they encircled me and started abusing me by saying that you Kuttia Churia how dare you to do agitation against us, we will make you Banda, then Arsh Barar has given blow of his iron rod to me which hit on underside of my right side shoulder, then Babban Man has given blow of his Kirpan to me which hit on upper side of my right eye, then I fell down on the ground and Bobby Preet has given blow of baseball on my right side thigh and remaining persons have also given me kick blows. I raised noise Marta Marta then on looking the gathering of public, they all ran away from the spot along with their weapons on motorcycle bearing registration No.PB03-AW-0568 Car bearing registration No.PB03-BL-7458 and Car bearing registration No.PB03-BL-1728. Due to my serious injuries my friend Sukhpreet Singh son of Gurpreet Singh resident of village Maur Kotakpura Faridkot, Lakhvir Singh and Dheeraj Kumar son of Avdesh Kumar resident of Jhooley Lal Colony near Railway Station Fazilka have got me admitted in Civil Hospital Bathinda and after treatment I went to my house. The motive behind the grudge is that these persons are outsiders and we use to do agitation against them, due to which are having grudge against us and today they have caused injuries to me. Legal action be taken against them. Statement got recorded, heard, same is correct."

4. Counsel for the petitioner submits that as per the allegations, the petitioner had given a kirpan blow on the right side of the head, whereas, the story is concocted and it is due to political vendetta. He further submits that there is a delay of 24 hours of registration of FIR, whereas, occurrence took place on 18.09.2024 at day time but the police was informed on the next date i.e. 19.09.2024 at 7.30 p.m. which would give time for deliberations and concoctions and improvements. He further submits that the petitioner's age is 20 years and is pursuing his education and he is a first offender.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State's counsel opposes bail and refers to the status report.
7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"3 (iv). During the investigation conducted so far, the incriminating evidence has come on file against all the accused including the petitioner. The complainant is studying in the Rajindra College, Bathinda. The accused are also students of the same college. On 18.09.2024 when the complainant and his friend Lakhvir Singh were present in the Canteen of Rajindra College, the accused armed with weapons came there and caused injuries to the complainant. The matter is under investigation. The motive behind this occurrence is that the complainant is the committee member of the Punjab Students Union and participates in the struggles launched to protect the interest of the students and in education matters and raises the issue against the outsiders who indulge in activities detrimental to the interest of the students. Due to the above said reason, the accused who are outsiders, were nursing grudge against the complainant and caused injuries to him.

4 The Role of the petitioner - The petitioner and co-accused caused three injuries to the complainant with their respective weapons. The injury No.1 caused with kirpan, is attributed to the petitioner. The petitioner actively participated in the commission of crime.

The Evidence against the petitioner - During the investigation, the incriminating evidence came on file against the petitioner."

8. The petitioner has attributed an injury on the upper side of right eye of complainant with a kirpan. The nature of weapon used and the place at which the injury is attributed makes the offence very heinous and cruel. In addition to the statement of injured mentioning the accused, who had caused the injury with kirpan, the same is also corroborated by the medical evidence. The grounds taken by the petitioner about his young age and going to the college do not override the way in which he had used Kirpan on a vital and sensitive part of a human 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.
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.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.01.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.