

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-17760-2020 (O&M)
Date of Decision:-29.10.2020

Naresh Kumar @ Bittu ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-19891-2020 (O&M)

Dinesh Kumar @ Rinku ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Imran Ali, Advocate with
Mr. Mansur Ali, Advocate for the petitioner(s).

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Jarnail Singh.

Mr. L.S. Mann, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Naresh Kumar @ Bittu and Dinesh Kumar @ Rinku seeking grant of anticipatory bail in respect of a case registered vide FIR No.0069 dated

27.5.2020 at Police Station Chabbewal, District Hoshiarpur under Sections 307, 324, 323 and 34 of Indian Penal Code.

2. The FIR in question was lodged at the instance of Tajinder Singh, wherein it has been alleged that on the day of occurrence i.e. on 26.5.2020 when the complainant Tajinder Singh and his nephew Kamaljit Singh were present in their fields, then Dinesh Kumar @ Rinku armed with a '*datar*' (sickle) and Naresh Kumar @ Bittu armed with a stick came there and restrained them from carrying on the spraying of vegetables. A fight thereafter ensued in which Naresh Kumar @ Bittu caught hold of Kamaljit Singh from his hair, while Dinesh Kumar @ Rinku gave a blow with '*datar*' (sickle) on the neck of Kamaljit Singh as a result of which he fell unconscious. It is further alleged that Dinesh Kumar @ Rinku also gave a blow to the complainant Tajinder Singh with a sickle on his left bicep. Naresh Kumar @ Bittu is also stated to have given blows with stick to the complainant on his ear, left temple, back and on his right arm. Dinesh Kumar @ Rinku is also alleged to have given two blows to the complainant from the reverse side of sickle hitting him in his abdomen and chest.
3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and infact it is a case arising out of civil dispute amongst the parties, wherein a civil suit had been filed and an interim injunction had been granted in favour of Naresh Kumar @ Bittu.
4. The learned counsel for the petitioners has further submitted that infact genesis of occurrence has been suppressed inasmuch as even the accused have sustained injuries as would be evident from their MLRs annexed with the petition as Annexure P-3.

5. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that it is a case where Kamaljit Singh has been caused an injury on his neck, which has been declared as an injury dangerous to his life by a Board of Doctors and infact said Kamaljit Singh was hospitalized for more than one month. The learned State counsel has submitted that the complainant is stated to have sustained as many as 7 injuries, out of which 6 had been caused by blunt edged weapon. The injured Kamaljit Singh is stated to have sustained 1 grievous injury on his neck, which has been opined to be dangerous to life.
6. I have considered rival submissions addressed before this Court.
7. A perusal of MLR in respect of petitioner Naresh Kumar @ Bittu shows that he had sustained lacerated injuries on his lips. A perusal of MLR in respect of petitioner Dinesh Kumar @ Rinku would also show that he had sustained lacerated wound including a wound on his skull, which had to be stitched.
8. Although the learned counsel for the petitioners has submitted that on FIR has also now been lodged in respect of the cross-version but the learned State counsel could not confirm the said fact.
9. Having regard to the facts and circumstances of the case especially that Kamaljit Singh has sustained a serious injury on his neck, which virtually threatened his life, this Court is not inclined to extend the benefit of anticipatory bail to the petitioner Dinesh Kumar @ Rinku, who had inflicted the said injury. The petition i.e. CRM-M-19891 of 2020 on behalf of petitioner Dinesh Kumar @ Rinku, as such, is dismissed.

10. As regards the petitioner Naresh Kumar @ Bittu is concerned, he was armed with a stick and is not attributed any grievous injury or any injury dangerous to life.
11. Keeping in view the overall facts and circumstances of the case including the fact that one injury was also found to have been caused on the head of petitioner in CRM-M-19891 of 2020 namely Dinesh Kumar @ Rinku though he stated to have been discharged from the hospital on the same day itself, the petition i.e. CRM-M-17760 of 2020 on behalf of Naresh Kumar @ Bittu, who in any case is stated to have joined investigation, is accepted and the interim directions issued by this Court vide order dated 8.7.2020 are hereby made absolute subject to the condition that the petitioner Naresh Kumar @ Bittu shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.10.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No