

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-4406-2021 (O&M)  
Date of Decision: 01.03.2021**

Mahant Baldev Dass

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Navjot Singh, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,  
assisted by ASI Harpreet Singh.

Mr. Mukul Aggarwal, Advocate, for the complainant.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0004 dated 05.01.2021, at Police Station City II Malerkotla, District Sangrur, under Sections 307/295-A/323 & 506 IPC
2. The FIR in question was lodged at the instance of Yashpal Goyal, wherein it is alleged that a Hindu Dera Baba Atma is situated in their city Malerkotla, which has agricultural as well as commercial land. It is alleged that Baldev Singh @ Jagga claims himself to be *Mahant* of the *Dera*, whereas he has nothing to do with the *Dera*. It has further been alleged that on 24.09.2020, Baldev Singh had attempted to take land of the *Dera* while making false statements on account of which the complainant and other followers of the

*Dera* filed a writ petition, wherein an order was passed by the High Court and on account of which Baldev Singh nursed a grudge against the complainant. It is further alleged that on 05.01.2021, when the complainant along with Mukesh Dua, Anup Chopra, Kamalkant Gupta, Kewal Krishan and other followers were present at the *Dera*, Baldev Singh came there and forcibly took the keys of the locker and tried to run away. When the persons present there requested him to stop, he came back carrying a *gandassa* and with an intention to kill the complainant, attacked him on his head. However, the complainant warded off the blow with his right hand and the *gandassa* consequently hit the little finger of the right hand of the complainant. Baldev Singh gave another blow with *gandassa* hitting the left bicep of the complainant and on account of which, he fell down and thereafter the accused gave more beatings to him.

3. Learned counsel for the petitioner has submitted that a concocted version has been put forth in the FIR and in fact even if the allegations as levelled in the FIR are taken to be correct, still no offence under Section 307 IPC can be said to be made out. It has further been submitted that the genesis of occurrence has been suppressed inasmuch as the petitioner himself sustained two lacerated wounds on his head, as would be evident from the MLR of the petitioner (Annexure P-2). Learned counsel has further submitted that even on an earlier occasion, an FIR had been lodged against the petitioner i.e. FIR No.40 dated 20.05.2007, Police Station City-1, Malerkotla, under Sections 447/511/506/148/149

IPC, wherein the petitioner was acquitted while noticing that the Civil Court had already declared the petitioner Baldev Singh to be *Mahant* of the *Dera*.

4. Opposing the petition, learned State counsel assisted by the learned counsel for the complainant has submitted that since the allegations as levelled in the FIR are clearly borne out from the fact that the complainant had sustained injuries and since the petitioner was carrying a lethal weapon i.e. a *gandassa* and had in fact also attempted to cause injuries on his head, it is clearly evident that a murderous assault had been made by the petitioner. Learned counsel for the complainant has submitted that the issue regarding the petitioner being a *Mahant* of the *Dera* is still sub-judice and a civil litigation is pending. Learned counsel for the complainant has vehemently argued that the intention of the petitioner to murder the complainant cannot be doubted in any manner since apart from the fact that he was carrying a *gandassa*, it is specifically mentioned by the complainant that the injuries have been caused with an intention to kill him. It has also been submitted that since some injuries had actually been caused pursuant to the intention of the petitioner to commit murder, the offence assumes gravity, as such, the petitioner does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. The complainant, as per the allegations levelled in the FIR, has sustained two injuries i.e. one on his finger and another on his bicep. Both these injuries have been opined to be simple injuries.

It is no doubt correct that the intention of the assailant to cause injuries or to cause death has to be gathered from the attending facts i.e. the number and nature of injuries; the type of weapon used or seat of injuries. Such like intention cannot be said to be made out only upon a bald assertion made by the complainant. No doubt, in the FIR, the complainant has stated that the injuries were caused with an intention to kill him, but the facts do not really support the said assertion inasmuch as the petitioner despite carrying a lethal weapon in the nature of *gandassa* did not cause any injury from its sharp side, as the injuries sustained by the complainant are in the nature of lacerations and are not incised wounds and in any case are not even on any vital part and have been declared as simple injuries.

7. Further, in the instant case, it is yet to be determined as to who was aggressor inasmuch as the petitioner himself has sustained two injuries on his head as is borne out from his MLR (Annexure P-2).
8. Bearing the aforesaid facts and circumstances in mind, the instant petition deserves acceptance and is hereby accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

**01.03.2021**  
Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No