

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

CRM-M-5732-2021 (O&M)

Date of Decision: 03.03.2021

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. Pursuant to a query made on the last date of hearing, learned State counsel has informed that it has been verified that Dalbir Singh has only two sons and that while one of them is named as Baldev Singh @ Lakha Singh, the other is named as Sukha Singh. From the abovesaid information, it can prima facie be observed that the person named in the FIR as Lakha Singh is none else, but Baldev Singh @ Lakha Singh son of Dalbir Singh.
2. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0022 dated 02.03.2020 at Police Station Ajnala, District Amritsar Rural, under Sections 302/323/148/149 IPC.

3. The FIR in question was lodged at the instance of Manjit Singh, wherein it is alleged that he resides with his family and that land of Dalbir Singh abuts his land and that there is dispute of boundary amongst them. It is alleged that on 01.03.2020, when the complainant along with his brother Lakhbir Singh were pruning the trees on the boundary of their fields, then Dalbir Singh alongwith his son Sukha Singh and Lakha Singh came there and hurled abuses to them and they being scared returned back to their house. In the evening at about 6.30 PM, when his wife Kashmir Kaur had gone to fields to collect fodder, then Dalbir Singh armed with *Barcha* (spear), Sukha Singh and Lakha Singh armed with sticks having *sua* (bodkin) and Balwinder Singh, who is son-in-law of Dalbir Singh armed with stick, Manjot Kaur wife of Sukha Singh and Punnu wife of Dalbir Singh empty handed came there and started abusing his wife. In the meantime, the complainant's father Tarsem Singh came at the spot and after hearing the noise, the complainant also reached at the spot. It is alleged that Balwinder Singh raised a *lalkara* to catch them and to teach them a lesson for changing the boundary and upon which Dalbir Singh gave a *Barcha* blow on the left side of abdomen of complainant's father as a result of which he fell down on the ground. While he was on the ground, Sukha Singh gave a blow with stick having *sua* on his right eyebrow. It is alleged that when his wife came forward to save him, then Lakha Singh gave a blow with stick having *sua* on complainant's wife, which hit on her head. It is alleged that Manjot Kaur and Punnu held his wife from her hair

and pulled and pushed her. It is alleged that when the complainant raised alarm, the accused ran away from the spot. It is further the case of the prosecution that Tarsem Singh, who had sustained injuries, was immediately taken to hospital, but he succumbed to his injuries.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case in an attempt by the complainant to rope in the entire family of the accused. It has been submitted that even if the allegations as levelled in the FIR are taken to be correct, still the petitioner can only be attributed a simple injury on the person of complainant's wife and that the petitioner is not attributed any injury to the deceased.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was accompanying his brother and father, when the occurrence took place and they all were armed and had actually caused injuries, it is clearly evident that they all had attacked the complainant party with a premeditation with a common intention to commit murder of the deceased and to cause injuries to other members of the complainant party and as such, he does not deserves the concession of bail.
6. I have considered rival submissions addressed before this Court.
7. Given the fact that the petitioner is not only specifically named in the FIR, but also attributed specific injury to the complainant's wife, his complicity in the entire occurrence in which Tarsem Singh was murdered, is clearly evident. As such, this Court does

not find any special ground for grant of concession of anticipatory bail to the petitioner.

8. The petition is sans merit and is hereby dismissed.
9. It is, however, clarified that nothing stated above shall be taken to be an expression on merits of the main case.

03.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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