

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21399-2021

Date of Decision: 28.05.2021

Balvir Singh @ Bira Ram

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bail, Advocate for
Mr. Deepak Sharma, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, Asstt. Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.27 dated 17.02.2021, under Sections 323, 324, 325, 148, 149 IPC (Section 326 IPC added later on), registered at Police Station Doraha, Ludhiana.

As per the FIR which was lodged on the basis of statement of one Pamma Ram son of Jaimal Singh, resident of Deep Nagar, Police Station Doraha, District Ludhiana in which it has been stated that on 11.02.2021 in the evening at about 6:30 p.m. when he was present at his shop, then 6 to 7 persons had come on motorcycle from the side of Deep Nagar in which one Sooraj Kumar son of Manjit Kumar was also included and he attacked on him. The aforesaid Sooraj Kumar started giving blow of

iron machete holding in his hand and on his head and then he kept his head on the side and the same was hit on the right side of his head. Thereafter, the aforesaid Sooraj Kumar again gave second blow of iron machete on the back of his right hand and bleeding started from it. Thereafter, the other persons who were holding wooden handles of spade gave beatings to him with the said wood sticks. Out of these aforesaid persons was also Beera Ram son of Chanan Ram (Petitioner) who gave blow of baseball holding by him in his hand three times below his knee of left leg and also caused severe injuries on his body. Thereafter, he raised noise 'save save' and lifted the small gas cylinder lying in the shop and put the same towards them as his defence but because of the fracture caused due to blow of baseball on his right leg, he fell down and the said persons ran away from the spot on motorcycle along with their weapons. Thereafter, he was admitted to Sidhu Hospital, Doraha for treatment where the doctor gave first-aid and referred him to Civil Hospital, Ludhiana where the doctor issued MLR regarding the injuries caused to him and after sometime he was referred to PGI, Chandigarh where he remained under treatment and was discharged from the PGI, Chandigarh on 14.02.2021 at 10:00 a.m. It has been stated further in the FIR that the reason of enmity was a Court case pending between them and the aforesaid accused Sooraj Kumar and Ajit Ram and due to the enmity regarding the same, the said Sooraj Kumar in connivance with above said persons caused injuries to the complainant. He alongwith Sooraj Kumar had rather given a representation to the DIG, Police Range, Ludhiana for conducting a fair inquiry again. He further submitted that even the CCTV footage was not considered by the police authorities. So far as the other co-accused Sooraj Kumar is concerned, he has already been

arrested by the police. The learned counsel for the petitioner has therefore prayed for interim protection in the present case on the ground that he was not involved in the present case.

On the other hand, Mr. Sidakmeet S. Sandhu, learned Assistant Advocate General, Punjab has stated on instructions that qua the petitioner in the present case, the allegations made in the FIR were blow on the knee of left leg and also caused severe injuries on other parts of the body. Mr. Sandhu has referring para No.7 of the order passed by the learned Additional Sessions Judge, Ludhiana while dismissing the bail application and has submitted that as per the medical report, injuries on leg were declared to be blunt and grievous and injury No. 3 on the head is termed as sharp and grievous in nature and the grievous injuries were attributable to the present petitioner. He further submitted that recovery is yet to be made and it is a fit case where custodial investigation of the petitioner was required because a group of people had attacked the complainant who was severely injured and, therefore, opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

As per the FIR the injuries are directly attributable to the petitioner which according to the FIR he had given blow of baseball holding the complainant in his hand three times below his knee of the left leg and has caused severe injuries on the body. The said injuries on the leg are also in consonance with the medical report on which the learned State counsel has made reliance. It was a case where allegedly group of persons had come and had attacked the complainant which ultimately caused injuries. The

injured had been taken to one hospital and thereafter to another hospital and thereafter he was finally referred to PGI, Chandigarh. Furthermore, recovery of baseball is yet to be effected from the petitioner and the other co-accused namely Suraj Kumar has already been arrested. Allegedly it was not a case of one to one fight but it was a case where 6 to 7 persons had come and attacked one person.

Therefore, considering the totality and circumstances of the present and specific stand taken by the learned State counsel that recovery is to be effected from the petitioner and since large number of people were involved in the present episode the custodial investigation of the petitioner is required does carry some weight.

Consequently, I do not deem it a fit case for interference in the case of grant of anticipatory bail to the petitioner.

Consequently the present petition is dismissed.

28.05.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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