

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

204

CRM-M-38468-2021

Date of Decision: 24.09.2021

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.S.Kanwar, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.230 dated 06.09.2019 at Police Station City Tarn Taran, District Tarn Taran, under Sections 323/325/452/148/149 IPC (offence under Section 326 IPC added later on).
2. The FIR in question was lodged at the instance of Paramjit Singh, wherein it is alleged that on 14.08.2019 at about 9:00/10:00 PM, when he alongwith his mother Balwinder Kaur, his driver Balraj Singh and Navtaj Singh were present in the courtyard of his house, then Pritpal Singh @ Bau, entered into his house after opening the outer gate and raised a *lalkara* that the complainant be caught hold of and be taught a lesson for fighting with them. It is alleged that in the meantime, Sukhdev Singh (petitioner), who was carrying a

sword and was present at the roof of his house alongwith Gurpreet Singh @ Gosa armed with *dang*, Gurjant Singh, Kashmir Singh, Kuldeepak Singh @ Chand, Satnam Singh @ Satta, Baj Singh, Pooran Singh, Sewak Singh @ Kalu, Gurpreet Singh @ Gopi, Harjinder Singh @ Honey and 3/4 unidentified persons, who were having brickbats in their hands, started throwing the same upon the complainant and others. The complainant's mother Balwinder Kaur ran inside while carrying complainant's nephew Navtaj Singh in order to save themselves. Balraj Singh also entered into the house being scared. When the complainant went on the roof in order to stop the assailants, Sukhdev Singh gave a blow from the reverse side of *kirpan* hitting the complainant's nose. Gurpreet Singh is alleged to have given a *dang* blow hitting below the left knee. All the accused dragged the complainant. When the complainant's mother raised alarm, the said assailants ran away by issuing threats.

3. It is further alleged by the complainant that later when the complainant was taken to Civil Hospital by his mother and Balraj Singh and when they were near the bridge over the drain at Jastmastpur, then Sewak Singh @ Kalu armed with a 12 bore rifle, Gurpreet Singh empty handed, Harjinder Singh and 2/3 more unidentified persons waylaid them. Gurpreet Singh dragged the complainant and Harjinder Singh raised a *lalkara* that the complainant be not spared and Sewak Singh fired two shots from his rifle, the pellets of which hit below both the knees of the

complainant and he fell down. After causing the said injuries, the accused ran away from the spot.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the falsity of the allegations would be evident from the fact that there is a delay of about 22 days in lodging of FIR and also from the fact that the allegations pertaining to causing of injuries with fire arm have not been substantiated and have been found to be false. It has been submitted that the other co-accused including accused Sewak Singh, who is alleged to have used fire arm, have already been granted interim bail.
5. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of the co-accused having been granted bail inasmuch as no injury was found to be caused with the help of fire arm. Learned State counsel has further informed that out of 4 injuries, 3 injuries have been found to be 'grievous' including the injury attributed to the petitioner, which is alleged to have caused from the reverse side of the *kirpan*. Learned State counsel has further informed that the injury caused on the nose was in the nature of a gaping wound and a fracture was found on the nasal bone and in these circumstances, the petitioner does not deserve any concession of anticipatory bail.
6. I have considered rival submissions addressed before this Court.
7. It does appear that as on date some doubt has been created as far as the second incident of attack on the complainant is concerned,

wherein Sewak Singh is alleged to have fired at the complainant. However, in view of the fact that as many as 4 injuries were found on the person of the complainant and that the allegations leveled against the petitioner pertaining to causing injury on the nose are virtually substantiated from the medical evidence, as per which a gaping wound was found on the nose and the nasal bone is found to be fractured, the said allegations qua the petitioner cannot be doubted at this stage. In these circumstances, no special case for grant of anticipatory bail is made out.

8. The petition is sans merit and is hereby dismissed.

24.09.2021

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(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**