

208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.38465 of 2020 (O&M)

Date of decision: 17.02.2021

Balwinder Singh @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R.S. Joshi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.K. Shukla, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0326 dated 17.09.2020 registered under Sections 307, 326, 325, 324, 323, 506, 427, 120-B IPC at Police Station Patran, District Patiala.

Counsel for the petitioner has submitted that the FIR has been registered at the instance of one Sukhwinder Singh with the allegations that the petitioner Balwinder Singh @ Billa and Subeg Singh and 04 unknown persons with an intention to kill him, hit his car on the motorcycle due to which the petitioner fell down in a ditch. Thereafter, the petitioner stopped his car and took out a small gandasi and gave a blow on the head of the victim. Again, the petitioner gave a gandasi blow with the reverse side on the fingers of his right hand. It is further submitted that in the FIR, the motive for the grudge is given that

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there is a dumping garbage place on the joint land and the petitioner and Subeg Singh wants to take forcible possession of the same. It is further submitted that the co-accused Subeg Singh has already filed a suit for permanent injunction.

A perusal of the plaint show that it is pertaining to the land which is comprising in Khasra Nos.48//15 and 48//16.

Counsel for the petitioner has further submitted that the victim was admitted on 17.09.2020 and he left the hospital on the next day as reported by the doctor. Counsel for the petitioner has also argued that, in fact, the complainant has suffered injuries in a motor vehicle accident and has converted it to be a case of assault.

Counsel for the State assisted by counsel for the complainant has, however, on the basis of the MLR submitted that there are 09 injuries suffered by the victim out of which injury No.1 is an incised wound on the right parieto temporal region of skull and the same co-relates with the injury attributed to the petitioner.

Counsel for the State has also placed on record the opinion of the Medical Board which was constituted on a complaint given by the wife of the present petitioner. The opinion of the Medical Board reads as under:-

“Sukhwinder Singh s/o Iqbal Singh underwent medicolegal examination vide MLR No.AB/37/Patran/2020 dated 16/09/2020 at PHC Patarn. MLR shows nine injuries with alleged assault. Injury No.1 on skull was shown to produce by sharp weapon & other injuries were produced by blunt weapon. He was referred to CH Samana after medicolegal report X-ray report dt. 17/09/2020 of CH Samana shows 3 fracture corresponding to injury No.1, 2, 3. Nature of injury report dt. 23/12/2020 shown injury No.1, 2, 3 as Grievous in nature & other

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injuries are simple in nature. He appeared before board on 06/01/2021 for re-examination.

After going through MLR, X-ray report, nature of injury report & re-examination, we are of the opinion that we agree with the report prepared by concerned doctor. Usually such multiple injuries are not fabricated in nature.”

Counsel for the complainant has additionally argued that the land which is a subject-matter of the civil suit is a different land whereas the dispute for which the injuries were caused to the victim is relating to a dumping garbage ground which the petitioner and Subeg Singh wanted to take forcible possession.

After hearing the counsel for the parties, considering the allegations against the petitioner, the opinion of the Board which has reiterated the opinion given by the doctor who has conducted the MLR by observing that the multiple injuries are not fabricated in nature, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.02.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No