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

**CRM-M-18007-2022(O&M)
Date of decision : 29.04.2022**

Hardev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

**Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate the for petitioner.**

Mr. A.A. Pathak, Additional A.G. Punjab.

**Mr. R.S. Rai, Senior Advocate with
Mr. Rahul Bhargava, Advocate and
Ms. G.K. Mann, Senior Advocate with
Mr. Gursewak Singh, Mr. Gursharan Singh, Advocates
for complainant Mr. Kanish Batra
in DDR No.17 dated 27.03.2022.**

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in cross case registered vide DDR No.17 dated 27.03.2022 under Sections 307, 506, 148, 149 IPC and Sections 25, 27 of Arms Act, Police Station Ranjit Avenue, District Police Commissionerate Amritsar in FIR No.50 dated 27.03.2022 registered under Sections 325, 323, 160, 427, 148, 149, 506, 336 IPC at the same Police Station.

FIR No.50 dated 27.03.2022 was registered on the statement of one Kanwar Pal Singh ("Complainant in the FIR"). The petitioner is a Private Security Officer of Kanwar Pal Singh. He is an Ex-serviceman. Kanwar Pal Singh stated that on the morning of 27.03.2022, there was a Bhog of Akhand Path Sahib at his residence Kothi No.50 A, Ranjit Avenue, Amritsar The

same night there was a party of 30-40 family members in the house. A tent was set up outside the kothi. Food was to be served inside the kothi. There are two gates attached to the colony. One gate is near Kothi No.19A. The owner of Kothi No.19A Paramjit Singh Batra closed the gate. The complainant in the FIR had engaged two private security guards namely Hardev Singh (petitioner) and Jamal Singh. They went to the house of Paramjit Singh Batra (father of the Rehmat Batra - Complainant in cross-case) and informed him that guests of complainant in FIR case are still yet to leave in their cars and requested him to open the gate. But Paramjit Singh Batra refused to open the gate. Later, Paramjit Singh Batra called the complainant in FIR case and told him that his two security guards had spoken badly to him. The complainant in FIR case alongwith petitioner and the other security guard went to the house of Paramjit Singh Batra but he still refused to open the gate. Thereafter, complainant in FIR case alongwith the petitioner and the other security guard came back to his house. About 10-15 minutes later, he heard a noise outside the Kothi. He saw Paramjit Singh Batra alongwith his sons Kanish Batra, Rahmat Batra and another boy namely Himansh Arora alongwith 5-6 unidentified persons who had swords and axes in their hands coming towards the house of the complainant in the FIR to fight with him. Seeing them, the complainant in the FIR took his entire family inside the Kothi. Soon thereafter, he heard curses and gunshots outside the Kothi. A PCR vehicle also arrived there. The complainant in the FIR came outside the kothi and found that both the security guards i.e. petitioner and Jamal Singh were injured and were admitted in Paarvati Devi Hospital for treatment. He also noticed that accused had broken the windows of 2-3 cars. The entire incident took place between 1.20 am to 2.30 am.

The cross version was got registered vide G.D. No.017 dated 27.03.2022 under Sections 307, 506, 148, 149 IPC and under Sections 25, 27 of Arms Act at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar. It was registered on the statement of Rahmat Batra son of Paramjit Singh Batra. He alleged that on 27.03.2022 at about 1.15 AM his father Paramjit Singh Batra took their dog outside their Kothi for a walk. A gate was installed near their kothi. His father closed the gate. That day there was a function at Kothi No.50A of Kanwar Dhingra (Kanwar Pal Singh) and a party was going on there. The private security guards of Kanwar Dhingra came to his father and started using objectionable language against him for closing the gate. His father tried to reason with both the security guards. But security guard Hardev Singh (petitioner) threatened him that he would be dealt with. His father made a call to Kanwar Dhingra regarding the objectionable language used by the security guards. Thereafter, Kanwar Dhingra along with his security guards and 4-5 relatives came there. Kanwar Dhingra told the security guards to fire. Hardev Singh (petitioner) fired three shots towards Kanish Batra which hit him on the left side of the chest and left thigh. The other security guard fired a shot hitting Paramjit Singh Batra on the left thigh. Meanwhile, a PCR vehicle arrived. The injured were taken to the hospital for treatment.

Mr. Ghai, Ld. Senior Counsel for the petitioner has argued that the complainants in the cross case are in fact the aggressors. They had come to the house of the complainant in the FIR, had fired at the petitioner and brutally beaten him. The petitioner was immediately taken to Paarvati Devi Hospital. In the discharge summary of the hospital it is recorded that petitioner was admitted in hospital with alleged H/O assault by a group of people with

gunshot injury on left thigh followed by unconsciousness, pain and swelling on forehead and orbital and left thigh, bleeding from ear. In the MLC Register, the medical history and physical examination of the petitioner clearly stated that there is swelling on forehead and orbital, pain on left thigh and entry wound on the left anterior, lacerated wound on back of head, multi bruises on face.

As per the MLR dated 30.03.2022 there are total 15 injuries suffered by the petitioner. The petitioner also remained admitted in Guru Nanak Dev Hospital, Amritsar, from where, he was referred to PGI Chandigarh on 19.04.2022 in view of his critical condition. The petitioner was discharged from PGI Chandigarh on 24.04.2022. The same day, he was admitted in Military Hospital, Amritsar (MH ASR). The referral slip of MH ASR records that the petitioner has a gunshot wound on his left thigh. Thereafter, seeing his critical condition the petitioner was referred by MH ASR to Fortis Escorts, Amritsar.

He argued that the cross version is totally false. The complainant in the cross case has suppressed the genesis of the incident. The injuries sustained by the petitioner have not been explained. The complainant party in the cross case had come to the house of Kanwar Dhingra (the complainant in the FIR) armed with swords, lathis and fire arms and had attacked the petitioner and the other security guard leaving no option with the petitioner but to act in self defence. The medical record of the treatment of the petitioner shows the brutality of the attack on the petitioner.

Mr. Rai and Ms. G.K. Mann, Ld. Senior Counsel appearing for the complainant in the cross case and Sh. Pathak Ld. Additional AG, Punjab on the other hand argued that the petitioner fired three shots at Kanish Batra,

which hit him on the left side of chest and left thigh. The other security guard of Kanwar Dhingra fired a shot at Parmjit Singh Batra, hitting him on his left thigh. As per the Injury Report of Kanish Batra recorded at Amandeep Hospital he was admitted in the Hospital on 27.03.2022 at 3.35 A.M with alleged history of gun-shot injury on 27.03.2022 at about 2.30 A.M near Ranjit Avenue. He was diagnosed as gun-shot over right side of Chest, gun-shot over left pelvic region. As per CECT abdomen he was found to have: “Hepatic injury – Grade II (AAST classification), Right Renal Injury – Grade III (ASST classification), Mild Hemoperitoneum.”

Thus, it appears that an incident took place on 27.03.2022 in which the petitioner has sustained injuries including a gun-shot injury. Kanish Batra has suffered two gun-shot injuries which are alleged to have been caused by the petitioner. Paramjit Singh Batra has suffered a gun-shot injury on his thigh alleged to be caused by the other security guard of Kanwar Dhingra.

The investigation would reveal the proper sequence of the incident and as to which party was the aggressor and whether the petitioner acted in self-defence. The allegations against the petitioner being that he fired shots at Kanish Batra and the injuries being clearly reflected in the medical record of Kanish Batra, no ground to extend him the benefit of anticipatory bail.

Dismissed.

April 29, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No