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

**CRM-M-47749-2022
Date of Decision: 17.10.2022**

Sukham Singh and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amardeep Singh Mann, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No.0087, dated 20.09.2022 under Sections 323, 324, 452 & 34 IPC, registered at Police Station Joga, District Mansa.

As per the FIR which was lodged on the basis of the statement made by one Nirmal Singh by stating that he is a daily labourer and he is the only brother of nine sisters. His seven sisters are married and two sisters, namely, Jasvir Kaur and Veerpal Kaur are unmarried. On 17.09.2022, he was present at Dharamshala, which is near his house, then the present two petitioners, namely, Sukham Singh and Makhan Singh, who are brothers and sons of Bikker Singh were also present there where they had several arguments with each other and thereafter, the complainant came back to his house. His sister, namely, Jaswinder Kaur had come with her husband Gurchet Singh. When they were talking to each other then his mother

Gurmail Kaur and his father Teja Singh were also seated there. It was about 08.00 p.m. when the present two petitioners, entered their house after opening the gate. Both the petitioners were armed with sticks. At that time, the petitioner No.2-Makhan Singh raised *Lalkara* (alarm) and said to his brother Sukham Singh that today they will teach a lesson for having a fight with them. Thereafter, the aforesaid petitioner-Makhan Singh gave a stick blow on the head of the complainant and he raised his left hand to save himself and the stick hit on his fingers of the left hand. His sister came to rescue him and thereafter, the other petitioner, namely, Sukham Singh gave a stick blow to his sister wherein she fell down. The complainant tried to save his sister then the petitioner No.2 gave stick blow on his head and resultantly, he fell down. Thereafter, Petitioner-Makhan Singh again gave stick blow on the left arm below the elbow to his sister. Then they raised an alarm and both of them ran away from the spot. Thereafter, the injured were admitted to the Civil Hospital, Mansa. It has been further stated in the FIR that the reason behind the fight was that the present two petitioners were having doubt about the character of the complainant and they used abusive language with them. They had given beatings to him and his sister in connivance with each other.

Learned counsel for the petitioners has submitted that both the petitioners have been falsely implicated in the present case and they had no role to play in the present case and it was only because of the previous fight which had taken place that the present false FIR has been registered against them.

On the other hand, Mr. Amit Rana, learned Sr. Deputy

Advocate General, Punjab, has stated that he has received an advance copy of the present petition and has gone through the same and has also got instructions from the concerned police official, who is present in the Court. He submitted that it is a case where the complainant, who is the brother of nine sisters, was sitting in his house along with his parents and these two petitioners came armed with sticks/*danda* and had attacked the complainant and thereafter, the sister of the complainant, wherein both of them had received injuries on the head as well. He further submitted that the final medical report is still awaited and both of them have suffered severe injuries. He also submitted that the petitioners had come with pre-meditated mind and it was not a case of a fight on the spur of the moment since the complainant and the petitioners, had fight with each other on a previous occasion and infurtherance thereof they had come and inflicted the injuries upon the complainant and his sister and has further submitted that for the purpose of recovery of the weapons used and also due to the seriousness of the offence, the petitioners are not entitled for the grant of anticipatory bail since their custodial investigation is required. He further submitted that there is a strong apprehension that in case the petitioners are granted bail then they may not only abscond but they can even influence the injured, complainant and the other material witnesses, who are poor persons.

I have heard the learned counsel for the parties.

As per the aforesaid facts and circumstances, the injuries were allegedly caused by both the petitioners, who are brothers, to the complainant and his sister. According to the learned State counsel, the injuries are also on the head and the final medical report is still awaited.

The factum of injuries is not disputed by the learned counsel for the petitioners. He has however, during the course of arguments, stated that as per the FIR, the petitioners were carrying sticks/*danda* whereas as per the medical report, it has been stated to be sharp weapon, which is, therefore, contradictory. However, at this stage, the apprehension expressed by the learned State counsel that the complainant and his family members are poor and there is a likelihood that in case the petitioners are released on bail then they may not only abscond but also influence the witnesses, cannot be ignored.

Therefore, this Court is of the view that considering the injuries on two persons including one lady, the petitioners do not deserve the concession of anticipatory bail. Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.10.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |