

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

CRM-M-48513-2023

Date of Decision:30.10.2023

Sukhdev Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. A.P.S. Khandial, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.85 dated 02.08.2023, under Sections 324, 323, 427, 34 of IPC (Section 326 IPC added later on), at Police Station Phul, District Bathinda.

2. The FIR in the present case was registered on the basis of the statement made by Paramjit Singh, son of Resham Singh, who alleged that at about 8.30 p.m. on 28.07.2023, he was irrigating his fields alongwith his brother Darshan Singh. The said tubewell was jointly owned by the complainant and his brother, namely Raj Singh and Dilbara Singh. At that time, his brother Raj Singh came on a motorcycle and was having a spade and his son Sukhdev Singh came on their Jaundier tractor. Raj Singh and Sukhdev Singh tried to divert the water forcibly. The complainant tried to stop them and told them that their turn

was to start at about 10.00 p.m. On this, Sukhdev Singh, who was armed with a 4 feet long iron 'Khurchana' in his hand, grappled with Darshan Singh and Raj Singh gave a spade blow to the complainant. Sukhdev Singh caused an injury with a 'Khurchana' on his head, which had hit on the backside of the head of the complainant. Again Sukhdev Singh caused a blow with 'Khurchana' on his nose and gave another blow with 'Khurchana' on his left hand. Sukhdev Singh caused 'Khurchana' blow on his right thigh as well. Raj Singh pulled his private part and he fell down on the ground. While the complainant was lying down, Sukhdev Singh tried to run his tractor over the complainant, due to which, the complainant received injury on the calf of his right leg. When Darshan Singh tried to rescue him, Sukhdev Singh gave 'Khurchana' blow on the right shoulder of his brother. Sukhdev Singh gave 'Khurchana' blow on the left leg of his brother Darshan Singh and also gave a bite on the face of his brother Darshan Singh. Sukhdev Singh gave 'Khurchana' blow on the left leg of Darshan Singh and ran over his tractor over the motorcycle of the complainant and due to this, the motorcycle got damaged. Sukhdev Singh also tried to crush his grandson under the tractor and the injuries were caused due to water dispute between the parties.

3. Learned counsel for the petitioner contends that the occurrence in the present case had taken place on 28.07.2023, whereas, the FIR was registered in the present case after a delay of five days i.e. on 02.08.2023. Learned counsel further contends that the petitioner had never caused injuries to the complainant or his father and the offence under Section 326 IPC has been wrongly added in the present case.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious and specific injuries have been attributed to the present petitioner and he is the main accused. Further, a detailed status report had been filed on behalf of Deputy Superintendent of Police, Sub-Division Phul, District Bathinda and the same was taken on record. As per the said report, there are two injured in the present case, namely, Paramjeet Singh and Darshan Singh. Learned State counsel submits that as per MLR of Paramjeet Singh, there were five injuries on his person and injuries No.1 and 3 were declared as grievous by the doctor and the offence under Section 326 IPC was added on 05.08.2023. Learned State counsel further contends that Darshan Singh, injured had also suffered four injuries on his person and injury No.4 was declared as grievous by the doctor and the offence under Section 325 IPC was added on 24.08.2023. He further submits that the weapon of offence i.e iron 'Khurchana', which was used by the petitioner in the commission of crime is yet to be recovered from him. Apart from that, he had caused multiple and grievous injuries to the complainant and his brother Darshan Singh.

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent from the averments made in the present FIR (Annexure P-1), there is specific attribution to the petitioner and he had caused multiple injuries to both the injured. Apart from that, the weapon of offence, i.e. iron 'Khurchana' is yet to be recovered from him and in the considered opinion of the Court, the custodial interrogation of the petitioner is required, at

this stage. Apart from that, keeping in view the gravity of allegations also, the petitioner is not entitled to concession of anticipatory bail under Section 438 Cr.P.C. The petition, is accordingly, ordered to be dismissed.

30.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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