

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3982 of 2024
Reserved on: 16.04.2024
Pronounced on: 18.04.2024

Gurmukh SinghPetitioner

Vs.

State of HaryanaRespondent
CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Paras Manni Dhamija, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG,
Haryana.

Mr. S.S. Momi, Advocate for the
complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C.,
petitioner prays for grant of anticipatory bail in case FIR No.184 dated
15.07.2023 registered at Police Station Ismailabad under Sections 148, 149,
308, 323, 341, 379B, 427 and 506 IPC.

2. Reply by way of affidavit dated 26.02.2024 of Shri Rajat Gulia,
HPS, Deputy Superintendent of Police, Pehowa, District Kurukshetra has
already been filed on behalf of the respondent- State.

3. During arguments, some documents have also been placed on
record by learned counsel for the petitioner.

4.1 FIR was registered on the statement of Baljeet Singh son of
Hernek Singh resident of Village Tharouli, Police Station Ismailabad,
District Kurukshetra, as per which house of Krishan son of Pritam, besides
that of Gurmukh Singh (*present petitioner*), Narinder and Satish Kumar is
located near the Phirni of the Village in front of his (complainant's) fields.

After crossing the road, the water of the houses of Gurmukh etc., used to

enter complainant's fields, regarding which he had also convened a Panchayat and the Sarpanch had got fixed a pipe in the Phirni. It was alleged that because of this dispute relating to drainage of the water, the above-named persons, namely, Gurmukh, Satish, Nirmal etc., used to throw water in his fields by breaking the *naka*.

4.2 It was alleged further that on 14.07.2023 at about 08:45 AM, he was going towards the house of his nephew Sumit Singh on motor-cycle. As he reached near Gugamari, Narinder son of Ishar Singh, who was already standing there, started moving towards his house. Near the house of Krishan son of Pritam, Satish, Nirmal, Gurmukh Singh (petitioner) and Krishan were also already present. As the complainant tried to pass near these people, Satish and Nirmal got stopped his motor-cycle and started abusing him. 3-4 unknown persons also came there. Gurmukh Singh (petitioner), with an intention to kill him inflicted Kassi blow on his neck. He took the blow on his right hand causing injuries to his right hand fingers. Then, Narinder hit with wooden *Kari* on the back of his head and the other assailants, namely, Satish, Nirmal, Krishan etc., gave him dandas and legs blows. As he raised alarm, the assailants fled away after hurling threats to him.

4.3 Complainant was taken to PHC Ismailabad and after giving first aid, he was referred to LNJP Hospital, Kurukshetra. A Ruqa was sent from the hospital to the Police station on the same day, i.e. 14.07.2023. Police reached the hospital on the next date i.e. 15.07.2023 and recorded statement of complainant – Baljeet Singh. The MLR of complainant revealed as many as eight injuries on his person. The reports of NCCT Head and that of X-ray were collected.

4.4 On 17.08.2023, supplementary statement was also made by complainant alleging that in the occurrence, his mobile phone had also been

snatched by the assailants.

5. It is contended by learned counsel that the petitioner has been falsely implicated, as he has no connection with the alleged crime; that in fact present case is counter-blast of MLR dated 14.07.2023 (Annexure P.3) pertaining to his wife Punam Devi, on basis of which, FIR No.188 dated 18.07.2023 was registered under Sections 323, 354-B, 452 and 509 IPC and 3(1)(r) & (s) of the Scheduled Castes and Scheduled Tribes, Prevention of Atrocities Act (Annexure P.2) was registered at Police Station Ismailabad and that present bogus FIR has been lodged to exert pressure upon the petitioner. Learned counsel contends that the allegations in the FIR are quite vague; that custodial interrogation of the petitioner is not required; that co-accused Nirmal Singh and Krishan have already been enlarged on bail; that the petitioner is ready to join the investigation and that in all these circumstances, he be allowed bail.

6. Learned counsel for the petitioner has also drawn attention towards the fact that in order to make the offence graver, Section 379-B IPC was got added after 3 days by alleging snatching of the mobile, though in the initial version, no allegation regarding snatching of the mobile was made. Learned counsel has also drawn attention towards the medical report pertaining to the complainant Baljeet Singh in order to contend that neither any of the injury was declared as dangerous to life nor grievous.

7. Strongly opposing the bail petition, learned State Counsel ably supported by counsel for the complainant pointed out that FIR No.188 dated 18.07.2023 has been got registered by the wife of the petitioner regarding the alleged incident of 14.07.2023 but in the said FIR No.188, no date or time of the occurrence is mentioned. Learned State Counsel further submits that after necessary investigation, FIR No.188 dated 18.07.2023 has been

cancelled by the Police on 06.10.2023 and so, the question of counter-blast does not arise.

8. Learned counsel for the complainant has also drawn attention towards certain photographs to show the nature of injuries on the person of complainant. Learned counsel also submits that because of the injury suffered on the head of the complainant, Section 308 IPC was added after deleting Section 307 IPC. Submitting that weapon of crime, i.e. *Kassi* as used by the petitioner is to be recovered, prayer is made for rejecting the petition.

9. I have considered submissions of both the parties and have perused the record.

10. Petitioner is specifically attributed to have given *Kassi* blow on the neck of the complainant- injured Baljeet Singh, though he took the blow on his hand. The MLR pertaining to the injured – Baljeet Singh reveal as many as eight injuries on his person. No doubt, that as per the medical opinion, none of the injury has been opined to be dangerous to life nor any fracture was seen but one of the injury is on the left parieto occipital bone. It will be matter of trial, as to whether the injury attracts Section 308 IPC or not.

11. Petitioner has alleged false implication on the ground that his wife Punam had got lodged FIR No.188 dated 18.07.2023 at Police Station Ismailabad, copy of which is Annexure P.2. A perusal of the said FIR would reveal that it was alleged by the said Punam Devi that in the neighbourhood of their house, there is farm of Baljeet Singh (complainant) and that water flows from the road. Baljeet Singh was going towards the fields due to water issue and that he came to her house and started abusing her, fought with her and gave a punch on her teeth. As she made noise, neighbours

came and Baljeet Singh fled away. It was also alleged that said Baljeet Singh had insulted her by using caste related remarks and in the scuffle, her clothes were also torn. A perusal of the entire FIR would reveal that no date or time of the alleged occurrence is mentioned therein. Even if it be assumed for the sake of arguments that said occurrence is alleged to be that of 14.07.2023 as is tried to be projected by counsel for the petitioner, no reason whatsoever is given for delay of 4 days in lodging the said report i.e. 3 days after lodging the FIR No.184 dated 15.07.2023 by the complainant-Baljeet Singh. Moreover, as per the investigation, the allegations made in the FIR No.188/2023 have been found to be false and cancellation report has been submitted by the Police as per the status report, though a protest petition has been filed before the learned Area Magistrate by Smt. Punam, author of the FIR No.188 of 2023 and the case is fixed for preliminary evidence as per the copy of the order dated 05.03.2024 of learned JMIC, Pehowa placed on record by counsel for the petitioner.

12. Having regard all the facts and circumstances of the case, as have been noted above, particularly the specific role attributed to the petitioner and the fact that recovery of weapon used in the crime is to be effected, his custodial interrogation may be required and, therefore, without commenting anything further on the merits of the case, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner.

13. Dismissed.

April 18, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No