

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

CRM-M-9950-2024

Date of Decision: 06.03.2024

Gursaab Singh

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Ms. Avin Kaur Sandhu, Advocate
 for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.0149 dated 02.12.2023, registered under Sections 323, 326, 324, 452, 427, 48, 149 of IPC, at Police Station Shri Hargobindpur, District Batala.

2. The FIR in the present case was registered on the basis of the statement made by Jashanpreet Singh and the same has been reproduced below:-

“Statement of Jashanpreet Singh s/o Sarabjit Singh r/o Patti Lakhanpur Maadi Dhanwa aged about 19 years having Mobile no. 81463-93452 stated that I am resident of above said address and am working at a saloon namely Mister Hair dresser. On 29.11.2023 around 6:30 PM, we all family members were having dinner, then at that time Gursahib Singh alias Chobbar armed with Dattar, Surjit Singh alias Nikka armed with Gandasi, both sons of Mahinder Singh, Sukhjinder Singh alias Bablu s/o

Kunan Singh armed with Kirpan r/o Patti Pardesi Maadi Dhanwa, Gurpreet singh alias Gopi s/o Nirmal Singh armed with kirpan r/o Patti Lakhanpur Maadi Dhanwa along with 20/25 unknown persons came in our street and opened the main gate of our house by pushing it and by climbing the wall of the house entered into our house forcibly and broke the Washing Machine, Water tanker and other things and even broke the Main door and the inner door and even broke the all the glasses. When I tried to stop them, then Gursahib singh raised Lalkara and said that " Catch Hold of them, let them be taught a lesson for entangling with us". In the meantime Sukhwinder Singh alias Bablu armed with Kirpan attacked me, which hit on my wrist of my right hand. Then Gursahib Singh alias Chobbar armed with Dattar attacked, which hit me on right leg and then Gurpreet Singh alias Nikka armed with Gandasi attacked me which hit me on my left arm. Then Gurpreet Singh, who was armed with Kirpan attacked me with backside of kirpan which hit me on my left hand. Then Surjeet Singh alias Kaka armed with Gandasi attacked me, which hit me on my left foot and in the meantime my brother Sandeep Singh and Manpreet singh came to rescue me. The above said accused persons, attacked both of them with their weapons and caused injuries to them. Hearing our hue and cry, my father Sarabjeet Singh and my sisters Surjeet kaur and Nirmaljeet kaur also came outside and the above said accused persons also attacked them and the unknown persons, who were standing outside, fired in the air and then we raised alarm by saying "Maar Ditta Maar Ditta" and after this son of my chacha namely Harpreet singh s/o Rajwinder Singh came to the spot and other people also gathered in the street and the above said accused persons started raising lalkaras and even threw stones and bricks at out house and ran away from the spot and left one bullet motorcycle bearing registration no. PB-03-P-8053 at the spot. My father Sarabjeet Singh and son of my

Chacha Harpreet singh arranged vehicle at the spot and took me to Civil Hospital Qadian and took my brother Sandeep Singh and Manpreet Singh to civil Hospital Ghuman and got admitted there, where Doctor gave us First aid. The reason for this revenge is that Gursahib Singh Laddi Gill used to come to our street often and I tried to stop him from doing so. Due to this, the above said accused persons have caused injuries to us. Action be taken against them. Respectables tried to solve the matter amicably till today but the same could not materialise. I have given my statement and the same has been read over to me and the same is correct and have put my signatures in Punjabi sd/- Jashan Preet Singh verified by Sd/- Sakkatar Singh, ASI P.S. Sri Hargobindpur dated 02.12.2023.”

3. Learned counsel for the petitioner contends that in fact, the complainant party had entered the house of Sukhwinder Singh, co-accused on 29.11.2023 and caused injuries to Sukhwinder Pal Singh and his mother. She has also placed reliance on the MLR dated 07.12.2023 of Sukhwinder Pal Singh, in this regard. Learned counsel further contends that the only role assigned to the present petitioner is that he had exhorted other accused to cause injuries and had caused the injury with a datar on the right leg of the complainant. Thus, it is a case of version and cross-version and the petitioner is entitled to concession of anticipatory bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had caused an injury with a datar on the right leg of the complainant, which has been declared to be grievous in nature and the offence under Section 326 IPC has been added in the present case. Learned counsel further submits that in fact the petitioner and his co-accused had entered the

house of the complainant, damaged their furniture and caused serious injuries to the complainant and his sisters and brothers.

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

6. The date of occurrence in the present case is at about 6.30 p.m. on 29.11.2023, whereas, the petitioner has relied upon the MLR dated 07.12.2023 (Annexure P-2). Consequently, it can never be stated that Sukhwinder Pal Singh, accused had suffered the injuries in the present incident or somewhere else as the said MLR has been prepared after 9 days of the occurrence. Still further, there is no evidence to prove that it was a case of version and cross-version. Apart from that, serious allegations have been levelled against the present petitioner by alleging that the petitioner along with his co-accused had entered the house of the complainant with lethal weapons and had caused injuries to the complainant, his brothers and sisters. Even the injury, which was caused by the petitioner, has been declared to be grievous in nature. Apart from that, the weapon of offence i.e. datar, used in the commission of crime, is yet to be recovered from the present petitioner.

7. In view of the above discussion, there is no merit in the present petition and the same is accordingly, dismissed.

06.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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