

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

101

2024:PHHC:056622
CRM-M-20284-2024
Date of decision: April 25th, 2024

Raghubir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahi Mehra, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.343 dated 18.12.2023 registered under Sections 307, 323, 324, 506, 148, 149 of the IPC (Sections 452 and 326 of the IPC added later on) at Police Station City, Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner is a 76 years old man, who has been falsely implicated in the instant case on account of a history of strained relations between the parties and it is also a matter of record that there are numerous cases pending between the parties. Learned counsel has further submitted that it is case of version and cross-version, wherein the petitioner also received injuries at the hands of the complainant party. He submits that it would be a matter of trial thus, as to which party was an aggressor and which party initiated the occurrence in question.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. It would be apposite to reproduce the allegations levelled

in the FIR in question, which has been annexed as Annexure P-1, which is as under:-

“We are two brothers and my elder brother is Baljeet Singh. We both the brothers are together in the home. We have one brick klin near Dhalake mod and along with that, one marriage palace namely GK Resort. Except from this we also indulge in selling and buying of property. We have our office near Rohi Kanda outside the Sardar Colony. My elder brother Baljeet Singh was present in Tarn Taran since morning and I was in Amritsar to attend a function in the meanwhile at around 4:00 p.m. I received a call from my driver Simranjit Singh alias Veeru who told me that outside our shop one white coloured car make brezza bearing registration number PB 46 AJ 7670 is standing and in the car Avatar Singh Deol along with Raghbir Singh and Pragat Singh Mistri along with one Manjit Singh and one unknown person are present. They have alighted from the car and went to the land nearby of their ownerships along with the plots there. They used to come earlier also and trouble us. Thereafter i reached my office at Ruhi Kanda within 10 minutes. On reaching the spot I saw Avatar Singh Deol having Iron Nepall khekra in his hand, Ragbir Singh having one and half feet sword on his hand Pargat Singh having iron rod in his hand and Manjeet Singh having Iron Datar in his hand and the unknown person having wooden stick in his hand. They came outside my office and Avatar Singh raised a lalkarn and told that today let us teach a lesson to Baljeet Singh and his partners for illegally possessing the land and today we will kill them. Immediately thereafter Raghbir Singh with the one and half feet sword in his hand gave a blow with the intention to kill on my brother Baljeet Singh who was standing outside the shop which hit Baljeet Singh on his head and

thereafter blood started to coze out from his head and thereafter Avatar Singh Deol with the intention to kill my brother gave a iron khokhari blow which hit in the centre of my brother's head Baljeet Singh there after forget Pargat Singh started a blow from the iron rod in his hand which hit the on the back side of the neck of my brother and the unknown person having wooden stick in his hand gave a blow of the wooden stick which hit on the right knee of my brother and under the influence of the injuries' my brother fell on the floor thereafter Raghubir Singh with the one and half feet sword give a blow to my brother in order to kill him and in the meanwhile our driver came in between stopped the blow with his left hand and the blow hit him on the left hand thereafter Manjeet Singh gave other side blow of the datar in hand to Veeru which hit him on his left arm and there after Pragat Singh give blow of iron rod Shamsher Singh Veeru which hit him on his head. That I encountered the entire incident while in the car and at the time of parking the car and coming out of the car and I raise the voice of Maar deta Maar deta after coming out from the car. Thereafter after listening to the voice the accused along with their at in their Brezza car ran towards Tarn Taran City. The reason behind the enmity is that we are in possession of a land nearby and Avatar Singh Deol along with his other accompanying people are not letting us possess the land and are blackmailing us and are harassing us and demanding money from us and we were not giving them money. For that reason by the use of weapons and with the intention to kill my brother Baljeet Singh and Veeru gave blows to them and injured them. I arrange the vehicle and got admitted Baljeet Singh and Veeru to the government hospital Tarn Taran. The doctor declared my brother as very serious and referred him to Amritsar. Who is admitted in Apex Hospital Batala Road Amritsar and

is in unconscious condition.”

5. As per the allegations levelled in the FIR, which stands reproduced hereinabove, the petitioner along with the co-accused, launched an unprovoked attack upon the complainant party; the petitioner was allegedly armed with a sword in his hand, whereas the other co-accused were armed with other deadly weapons like *datar*, iron rods etc. The petitioner has not only been specifically named in the FIR in question but injuries inviting the mischief of Section 307 of the IPC have also been specifically attributed to him with the sword that he was carrying at the time of the alleged occurrence. As per allegations, the petitioner inflicted injuries on the head of the brother of the complainant. Furthermore, as many as two persons received injuries at the hands of the petitioner and the co-accused. It is a promptly registered FIR; the injured was promptly removed to the hospital in an injured condition and thereafter, referred to a higher medical facility on account of his serious condition.

6. On a pointed query put to the learned counsel as to whether the petitioner had also received injuries in the occurrence in question, he has replied in the affirmative, however, on a further query put to him as to when he got his version recorded, he has submitted that it was 4 days after the occurrence in question i.e. on 22.12.2023.

7. This Court would refrain from commenting upon the delay in lodging the DDR version by the petitioner and the submission of the learned counsel for the petitioner that it was the complainant, who was the aggressor, as it would be a matter of trial.

8. In the facts and circumstances and keeping in mind the mode and manner in which the crime was given effect to, and the seat

of injuries, which have been specifically attributed to the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

9. The instant petition stands dismissed.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No