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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20295-2024
Date of decision : 29.04.2024

Lekh Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Ashok Kumar Sama, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of pre-arrest bail in FIR No.258 dated 23.11.2023, registered for the offences punishable under Sections 302 and 149 of IPC (Section 148 of IPC added later on), at Police Station Guruharshai, District Ferozepur.

2. As per the contents of the FIR, it was alleged as under:-

“Statement of Gurmeet Singh son of Balwinder Singh r/o Nau Behram Sher Singh Wala aged about 29 years, Mb. No.95929-93893. Stated that I am resident of above said address and working as Sewadar at HDFC Bank Branch village Panje Ke. My father are four brothers. Elder one is my uncle (Taya) namely Joginder Singh younger to him my father, and younger to him my uncle (Chacha) Madan Singh and youngest one is my

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uncle Lekh Singh. My uncle (chacha) Madan Singh and another uncle (Taya) Joginder singh, who are residing in same house (Haveli) my uncle Lekh Singh having house situated infront of the main gate of our house. on dated 22.11.2023 at about 10/10.30pm my father has gone to close the gate on that Lekh Singh son of Thakur singh, Veero Bibi wife of Lekh Singh, Ajay Kumar son of Lekh singh, Kajal Rani d/o Lekh Singh, r/o Nau Behram Sher Singh Wala and 3/4 unknown person coming from the house and standing near to our gate. On that Lekh Singh raised Lalkara that let teach lesson to Balwinder Singh for cultivate our land. On that after heard the voice, I also go behind my father, on that Veero Bai, Ajay Kumar, Kajal Rani and 3/4 unknown person has took my father in the street, who start beaten to my father Balwinder Singh on that Lekh Singh has give leg blow on the testical of my father, on that my father fell down on the earth by filling pain and while fell down Ajay Kumar son of Lekh Singh gave start give beating with the sotta to my father and Veero Bai gave leg blow, which hit upon his stomach and upon his private part and my father become unconscious, raised alarm Mardita-mardita, after heard my noise, my uncle son namely Harmesh Singh also came and neighbor also gathered after heard the noise, on that accused ran away from the spot, while going the accused persons also said that we will kill you like that injury will not show. The reason behind the occurrence is that our dispute regarding the land is going on with our uncle (Chacha) Lekh Singh, due to that grudge,

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they have given injuries on that I and my uncle son Harmesh Singh arrange the vehicle and going for the treatment to my father, who died on the way, due to the injuries given by the accused persons. With the connivance of each other gave injuries. Statement is recorded, heard, it is correct. Sd/- Gurmeet Singh.”

3. Counsel for the petitioner submits that the incident is of 22.11.2023 and the FIR was registered after delay of 01 days i.e. on 23.11.2023. Further submits that as per the complainant, all the persons gave injury but in the post mortem report only one injury was found on the person of the deceased.

4. *Per contra*, Mr. Aggarwal has pointed out that specific attribution was made against the present petitioner of having given a kick blow on private part of the deceased and the same stands fully corroborated by the post mortem report which shows there was one injury on the person of the deceased which reads as under:-

“REDDISH BRUISE PRESENT OVER OUTER SURFACE OF RIGHT SIDE OF SCROTUM. ON DISSECTION UNDERLYING SOFT TISSUE AND RIGHT TESTIS IS CONTUSED.”

5. Counsel for the complainant has supported the argument raised by State counsel.

6. Having heard rival contentions of the counsel representing the parties, keeping in view the nature of allegation levelled against the petitioner which *prima facie* stands corroborated by the post mortem

report produced by the State counsel, this Court does not find it to be a case for grant of discretionary view for pre-arrest bail.

7. Consequently, the present petition is dismissed.
8. Needless to say anything observed hereinabove shall not be construed to be an expression of an opinion on the merits of the case.

29.04.2024
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :Yes

Whether Reportable :No