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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29022-2024

Date of decision:-03.07.2024

BALKAR SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Pankaj Nanhera, Advocate and
Mr. B.S. Beniwal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Aditya Sanghi, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C.
the petitioner is praying for anticipatory bail in the event of arrest in FIR
(Annexure P1) detailed as under:-

FIR No.	Dated	Sections	Police Station
87	13.04.2024	307, 323, 34, 506 IPC and 25 of Arms Act (Section 25 of Arms Act removed and Section 27 of Arms Act and 120B of IPC added later on)	Bhuna, District Fatehabad.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, having no role in the alleged occurrence. He submits that the petitioner is 76 years of age and having no criminal antecedents nor any specific overt act



has been attributed to him and is ready to join the investigation. He submits that the co-accused Balvinder Singh, Bansi Lal and Binder Kumar have already been granted concession of bail by learned Sessions Judge Fatehabad (Annexure P-3 and P-4), as such he prays for grant of concession of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel has assailed these arguments by submitting that the petitioner has actively participated in the crime. He contends that the accused had attacked the complainant party wherein one of the co-accused had fired on the son of the complainant hitting him in his abdomen while the petitioner gave iron pipe blow on his head. He submits that in the occurrence, the assailants had caused multiple injuries on the person of Sukhjeet Singh, Harpal Singh and Avtar Singh and the injury on the person of Sukhjeet Singh declared as dangerous to life. He submits that considering the act and conduct by the petitioner he does not deserve concession of anticipatory bail and his custodial interrogation is required, hence prayed for dismissal of the bail petition.

4. After hearing the respective arguments and perusing the record, it transpires that as per the case of the prosecution there was rivalry between the complainant party and the accused party on account of panchayat elections and as per the allegations, on 12.04.2024 at about 10:15 PM Sukhdev Singh accused came to the house of the complainant in his car and started giving filthy abuses and then went back. After some time, he armed with revolver alongwith the petitioner armed with iron pipe accompanied by co-accused Baldev Singh having lathi and Balvinder Singh empty handed



came there and started shouting. Sukhjeet Singh son of the complainant came to the gate on which the assailants started abusing him. The complainant alongwith his family member Harpal Singh also went outside. Accused Sukhdev Singh fired shots hitting Sukhjeet Singh followed by the petitioner giving iron pipe blow on his head and Balvinder Singh gave fist and kick blow, on raising hue and cry, the assailants ran away. The injured were taken to the hospital for treatment, wherein injury on Sukhjeet Singh was declared dangerous to life. The accused Sukhdev Singh had been arrested by the police.

5. In view of above, it is observed that there are specific attribution to the petitioner of having caused injury on the head of the injured Sukhjeet Singh with iron pipe, where as his co-accused Sukhdev Singh has given gun shot injury to him which was declared to be dangerous to life. The recovery of weapon is yet to be effected from the petitioner for which his custodial interrogation is required.

6. Resultantly, considering the facts and circumstances of the present case coupled with the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.07.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No