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

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Date of Decision : July 25, 2024

HARINDER SINGH @ KALA**-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. G.S. Chanota, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.121 dated 30.05.2024, under Sections 323, 324, 341, 326, 307, 506 of the IPC, registered at P.S. Tanda, District Hoshiarpur.

2. Succinctly stated, the genesis of the present FIR is embodied in a statement made by one Aman Verma (hereinafter referred to as the 'complainant'), wherein, he alleged that the petitioner inflicted injuries on him and his brother-in-law Sandeep Kumar (hereinafter referred to as the 'injured').

3. The learned counsel for the petitioner, in his asking for the relief (supra), has come up with a defence that the petitioner had used a

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small kirpan (*Shri Dastar Sahib*) to save himself and his 09 years old son from the scuffle at the hands of the complainant, which is even apparent in the CCTV footage concerned. He has further submitted that even the petitioner had himself suffered injuries in this scuffle, whereupon, he was admitted in the Civil Hospital. Finally, he has submitted that the petitioner's version has not been inquired/investigation into by the investigating agency despite making numerous representations.

4. This Court has heard the submissions made by the learned counsel for the petitioner and perused the record.

5. The record available before this Court reveals that the petitioner has caused as many as eight injuries on the complainant and two injuries on the injured, who came at the place of occurrence to rescue the complainant. To be precise, the petitioner gave:- (i) a Kirch blow in the middle of complainant's chest; (ii) a Kirch blow in the middle of complainant's abdomen; (iii) a Kirch blow on left side of complainant's chest; (iv) a Kirch blow on right side of complainant's chest; (v) two Kirch blows on complainant's left and right shoulder; (vi) a Kirch blow on complainant's back; (vii) a Kirch blow on complainant's left hand; (viii) a Kirch blow on little finger of complainant's left hand. Thereafter, when the complainant fell on the ground, the petitioner did not pause his attack, rather gave him kick blows while he was lying on the ground. In the meantime, when the injured came at the place of occurrence to rescue the complainant, the petitioner gave two Kirch blows on the injured's chest.

6. The injury report (Annexure P-4) reveals that, out of total eight injuries suffered by the complainant, Injury No.1 has been declared



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“dangerous” and Injuries No.2, 4 and 6 have been declared “grievous”.

7. Be that as it may, totality of the circumstances impels this Court to draw a *prima facie* inference that the force used by the petitioner cannot be taken to be used in self defence, rather the same appears to be a deliberate assault by the petitioner with the weapon, which he was admittedly carrying, inasmuch as, owing to petitioner’s attack, the complainant suffered “dangerous” and “grievous” injuries. Moreover, the petitioner did not pause his so-called self defence once the complainant fell down on the ground after suffering injuries from petitioner’s Kirch, rather he continued to give him kick blows while he was lying down.

8. Therefore, in view of the *prima facie* inference (supra), coupled with the nature of injuries suffered by the complainant, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**.

July 25, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No