



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

CRM-M No.36328 of 2024
Date of decision: 17th September, 2024

Inder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karanjeet S. Brar, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. This is the third petition filed by the petitioner seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.129 dated 30.07.2023 under Sections 326, 325, 324, 323, 148, 149 of the IPC registered at Police Station City Fazilka, District Fazilka.

2. Learned counsel for the petitioner contends that he has been falsely implicated in the instant case, as is evident by the unexplained delay of 9 days in the lodging of the FIR (Annexure P-1). It is further submitted that the petitioner has been in custody since 30.07.2023. While charges were framed on 06.06.2024, however, yet again a supplementary challan was filed in August, 2024. Hence, given these circumstances, the likelihood of the trial concluding soon appears remote, and the petitioner is therefore entitled to be enlarged on bail. It has also been argued by the learned counsel that co-accused Shivam @



Shibu has already been granted the concession of bail by this Court vide order dated 16.01.2024 (Annexure P-3).

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by drawing the attention of this Court to the FIR, which stands reproduced hereinabove:

*“Statement of Rajinder Singh son of Jit Singh son of Bhagwan Singh resident of Madhav Nagri backside of Bhujia Factory Fazilka age about 33 years Mobile No. 70311-03333 stated that I am resident of above mentioned address and doing labor work. On 21.07.2023 I was present in the house and I along with my wife Manjit Kaur, son Akem and daughter Tanvi were going to Market on Splender Motor Cycle then on the way Aniket and his father Sandeep and his mother Pooja were standing, Aniket was having Handle, who gave first blow on the Motor Cycle and broken Tank of motor cycle. Aniket gave Handle blows on my feet and the people of Mohalla rescued, thereafter, we went to our house. Thereafter, I went to the shop to buy something to my daughter Tanvi, out side the shop of Vicky Karyana Store Madhav Nagri, **Inder** son of unknown resident of Radha Swami Colony and 2 unknown boys were standing. Thereafter, **Inder** made phone call and Shivam alias Shibu and Aniket son of Sandeep Kumar residents of Madhav Nagri Fazilka and Sonu son of unknown resident of Jattia Mohalla Fazilka came. At that time **Inder** caught hold my hairs and said now fight. I said child is with me let me go. They did not hear me and started*



*hurling bricks and stones on me. That one brick hit on my chest and a brick hit on the right arm of my daughter Tanvi, thereafter, Paramjit Pammi wife of Supinder Singh of Mohalla came there and rescued us from them and send us home. After some time at about 8.00 P.M. when I was present in my house and my wife Manjit Kaur was sitting outside at the gate. When my wife seen that 4 motor cycles were coming towards our house then my wife called me and said boys are coming towards our house. I was just coming outside then all of them after pushed the gate, **Inder** gave kick blow to the gate and entered inside. **Inder** was armed with sword type Khanda and remaining with him Shivam Shibu son of Gore Lal resident of Radha Swami Colony Fazilka, Aniket son of Sandeep Kumar, Sony son of unknown resident of Jattia Mohalla Fazilka, Ashu son of unknown resident of Dhanka Mohalla Fazilka who were armed with sharp Kappas and sharp Swords and remaining 10 unknown persons were also having Kappas, Swords. That **Inder** with his Sword Type Khanda on my head which hit on the backside of my head and I fell on the ground, thereafter, they gave me direct blows of Swords on my body, which hit on my body left cheek, right leg, right arm, bicep of left shoulder, right shoulder, Index finger of my left hand, middle finger of my left hand, bottom of my left foot, upper side of left elbow, then my wife raised noise MAAR-DITTA, MAAR-DITTA then the aforesaid accused along with their weapons and motor cycles ran away from the spot. Then my wife Manjit Kaur after arranged vehicle got me admitted in Civil Hospital Fazilka for treatment, where I am under treatment. The cause of*



grudge is that in De-addiction Center, Pooja mother of Aniket had took my responsibility and were demanding money from me. Due to which they after fight inflicted injuries to me. I am aggrieved, action may be taken. I have got recorded my statement to you, heard which is to be correct.”

4. Learned State counsel has argued that a reading of the allegations in the FIR, which stands reproduced, clearly reveals that the petitioner was an active participant in the occurrence in question; it was at the instigation of the petitioner that co-accused Shivam, Aniket and Sonu arrived at the scene during the initial occurrence. Later that evening, the petitioner along with the co-accused entered the complainant's house armed with lethal weapons. Learned State counsel has further asserted that not only is the petitioner named but the complainant has given out in detail the mode and manner in which he was inflicted injuries by all the accused including the petitioner, who was wielding a sword, with which he inflicted injuries on various parts of the body of the complainant including his head. Learned State counsel has submitted that the injuries sustained by the complainant are duly corroborated with the medical evidence.

5. Learned State counsel has still further argued that the complainant has not yet been examined, and given the petitioner's criminal antecedents, there is risk that he may intimidate witnesses or abscond if released on bail. Learned State counsel has further contended



that the petitioner cannot claim parity with co-accused Shivam, who was granted bail because no grievous injuries were attributed to him, and unlike the petitioner, co-accused Shivam has no prior criminal antecedents.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Prima facie, the allegations against the petitioner are serious. He is specifically named in the FIR, and several injuries have been attributed to him; the complainant sustained 11 injuries, 6 of which were opined to be sharp by the doctor. The trial is at a crucial stage, with the complainant who suffered these injuries, yet to testify. Therefore, it would not be appropriate to extend the concession of bail to the petitioner at this stage, particularly given his previous criminal record.

8. Dismissed.

9. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 17, 2024
rps

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