



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

103

CRM-M-38269-2024

Date of decision: August 8<sup>th</sup>, 2024

Ajay Singh alias Ajay

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Mandeep Kumar Dhot, 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.38 dated 22.04.2024 under Sections 452, 323, 324, 341, 506, 427, 148, 149 and 326 of the IPC registered at Police Station Moonak.

2. Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the unexplained delay of four days in the lodging of the FIR; it is the complainant, who himself went to and reported the matter to the police, which raises a big question mark about the authenticity of the allegations levelled.

3. On a pointed query put to the learned counsel as to whether the petitioner has any criminal antecedents, he has categorically replied in the negative.

4. At this stage, learned State counsel has, on instructions from ASI Amandeep Kaur, apprised the Court that the petitioner has not approached this Court with clean hands as he has

withheld his criminal antecedents. It has been submitted that the learned counsel has made factually incorrect submissions qua the petitioner not being involved in any other criminal case. Learned State counsel has submitted that the petitioner is involved in two other criminal cases: one under the Excise Act and the other for offences punishable under the Indian Penal Code.

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

6. Before proceeding further, it would be apposite to reproduce the FIR in question, which is as under:-

*“Statement of Satgur Singh s/o Labh Singh r/o Phulad, PS Moonak District Sangrur aged about 21 year Mobile NO. 9815385614, stated that I am resident of above mentioned address and doing agriculture work. ON dated 20.04.2024, time was about 5:00 PM I was standing in our village near water pond, then Ajay Kumar and his brother Simran Sons of Magar Singh resident of Phulad came before me, who told me that our account of School Quaral is pending, we teach you a lesson, and without any reason started to abuse me then I return to my home and doing some work, after some time Ajay armed with sword, Simran aremed with sword, Magar Singh s/o Jeet Singh armed with Gandasa, Binder Kaur w/o Maghar Singh armed with stick c/o Phulad and 8/9 unknown person who were armed with sticks by raising Lalkara's opened the main gate of our house forcibly and came inside and Maghar Singh raised Lalkara and told that today he will not be spared then in the meantime above persons encircled me and Ajay above gave a Kirpan Blow upon me, which was in his hand and same hits upon the bicep of my left armand the Simran Singh who is stand nearby gave a Kirpan blow upon me, which hits at the left side of my chest and I fell down. Maghar Singh gave a Gandasa blow upon my head which was in his hand, and w/o Maghar Singh namely Binder Kaur and unknown persons gave punch blows upon me when I was lying and above all persons damaged motorcycle without number make Platina*

*which was parked inside out house with the sticks and swords, then I raised noise "Marta Marta" then after hearing my noise my younger brother Jatinder Singh and my mother Parvati came then above persons by giving me threats to kill along with their weapons ran from the spot. IK can identify the unknown persons when they came in front of me. Then my brother Jatinder Singh arrange a vehicle and admitted me for treatment at Government Hospital Moonak, where doctor after giving me preliminary treatment was referred me at government hospital Sangrur. From where today I have been discharged. Today I along with my mother Parvati appeared in Police Station and recorded my statement before you, heard same is correct. The motive behind is this about 2 year before when I was studying in school I had dispute with Ajay and Simran above, and the same was also resolved due to that enmity above persons gave beatings to me. Take appropriate legal action against above persons."*

7. A perusal of the FIR, *prima facie*, reveals that it was a premeditated attack launched by the accused including the petitioner, on account of a previous grudge, which the petitioner was nursing against the complainant. On the fateful day, the petitioner along with all the other co-accused, who were also armed with lethal weapons like sword, *gandasa* and sticks, attacked the complainant, as a result of which he received various injuries on his person; the petitioner inflicted a sword injury on the left bicep of the complainant; the complainant was inflicted injuries with a sword on his chest and head by the co-accused. Besides this, the accused party also inflicted fist blows upon the complainant. Learned counsel's submissions that there is an unexplained delay of four days in lodging the FIR, is meritless as in the FIR itself, it stands reflected that soon after the occurrence in question, the injured was taken to Government Hospital, Moonak, and thereafter, referred to the Government Hospital, Sangrur. Furthermore, the injuries sustained by the complainant cannot be self-inflicted or fabricated

injuries.

8. In the facts and circumstances as enumerated hereinabove, especially the mode and manner in which the crime in question was executed, coupled with the petitioner not approaching this Court with clean hands, he does not deserve the extraordinary concession of anticipatory bail.

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.

August 8<sup>th</sup>, 2024  
Puneet

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No