



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40015 of 2024
Date of decision: 20th August, 2024

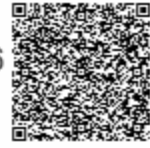
Gulshan Kumar
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Bansal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 482 B.N.S.S. in case FIR No.239 dated 11.09.2023 under Sections 324, 323, 341, 506, 148, 149, 427 of the IPC registered at Police Station Patran, District Patiala.
2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case on account of the strained relations between the parties; he was not even present at the time of the alleged occurrence and the injuries have been manipulated; there is every likelihood that the said injuries were sustained with a friendly hand. A prayer has, therefore, been made for extending the extraordinary concession of anticipatory bail to the petitioner, as he is willing to join investigation and cooperate with the Investigating Agency.
3. Notice of motion.



4. Mr. Navdeep Singh, Dy. Advocate General, Punjab who is present in Court, accepts notice on behalf of the State.

5. I have heard learned counsel for the parties and perused the relevant material on record, including the FIR which has been reproduced hereinbelow:

“statement of Satpal Singh son of Sohara Ram resident of Sutrana police station Patra district Patiala age about 60 years Mo: No: 9878508278 stated that I am a resident of the said address. I work as hard labor. Yesterday on 10.09.2023, around 8:30 pm, my boy Ser Singh was coming to the field near Jali Wale Pir Sutrana, and there were present Gulsan Ram, Sonu sons of Jita Ram residents of Sutrana, who were drunk with liquor. They started abusing my boy Ser Singh. They started saying that your father Satpal, who is sleeping today in your flour mill, Hira Nagar, Sutrana, should not be spared and they started walking towards my farm. After reaching our mill, they also called there, Jeeta Ram son of Chandra Bhan, Naresh Kumar son of Garudyal alias Guri, Sinda Ram son of Lal Chand, Chandra Bhan son of Fakira Ram, Sandeep son of Satpal resident of Sutrana PS Patra and all the people there started abusing us by using our names, during that time, my boy Ser Singh, Daler Kumar also came there and I also got up on the mill and came here. All the people started abusing us around 2 miles away from the mill and Chandra Bhan challenged them that they will not spare us. Gulsan Ram hit my left knee with the kirpan in his hand and Sidda Ram hit my left



hand and left arm with his takua and when my boy Ser Singh started to save me Gulshan Kumar hit my right hand with his kirpan and once blow with back side, on the right shoulder and gave multiple other beatings, and then my boy Daler Kumar started to rescue us, then Jita Ram, holding the boy in his hand, hit his right leg, and Nares Kumar hit the stick on his hand on the left hand and we fell down. On hearing our cry, the person while threatening to kill us ran away from the spot, with their weapon. These people surrounded us and killed us. The motive for act is that during the flood, people came to give tarpaulins and I also kept a tarpaulin. Even at that time, they had a fight with me. It was only in that grudge, that they gave beatings to us. Then the Satpal member panchayat arranged a vehicle and admitted us to the government hospital for treatment. The said persons have also damaged our motorcycle a lot. My boy Sir Singh, Darer Kumar has been referred to Rajindra Hospital Patiala for treatment and my treatment is going on here. Today you wrote my statement in front of my wife Kamles Rani, which I heard is fine. Strict legal action should be taken against accused Jeeta Ram, Gulsan Ram, Sonu, Naresh Kuamr, Shinda Ram, Sandeep, CHander Bhan above and justice be done to me.”

6. A perusal of the FIR in question, which was registered promptly, reveals that the injured were removed to the hospital without any delay. Moreover, not only is the petitioner specifically named in the FIR in question, but there are specific attributions qua the petitioner who



was alleged to be armed with a Kirpan along with other co-accused, who too were armed with lethal weapons like Kirpan etc. Furthermore, the petitioner not only inflicted a blow with the Kirpan on the shoulder of the complainant but an injury was also inflicted on the son of the complainant, which prima facie finds corroboration with the medical evidence on record.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in the present case. The petition stands dismissed. 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

August 20, 2024
rps

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