

CRM-M-39695-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39695-2024
Date of decision:11.09.2024

Manjit Singh @ BabbuPetitioner.

Versus

State of Punjab and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Subhash Kumar, Advocate,
for the petitioner.

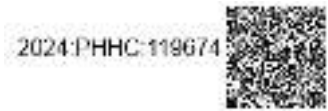
Mr. Adesh Pal Singh, AAG, Punjab.
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SANJIV BERRY, J. (ORAL)

Short reply dated 10.09.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural), on behalf of State-respondent No. 1, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner

2. By way of present petition filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
43	13.07.2024	118(1), 190, 191(3), 351(2) of the Bharatiya Nayaya	Bilga, Jalandhar



		Sanhita 2023 (BNS)	
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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. He contends that the petitioner has been nominated on account of old grudge with the complainant party and no alleged occurrence has ever taken place. He contends that the petitioner had already joined the investigation but after addition of offence under Section 118(2) of the Bharatiya Nayaya Sanhita 2023 (BNS), he prays for concession of anticipatory bail.

3. On the other hand, learned State counsel, while referring to the short reply (*supra*), has argued that the petitioner has specifically been named to have caused multiple injuries with the help of *kirpan* (*iron sword*) including the vital part of the body, i.e. on the back side of the head of the complainant. He submits that out of 04 injuries sustained by the victim, it has been declared grievous in nature and the recovery of weapon is yet to be effected from the petitioner. He further submits that custodial interrogation of the petitioner is required, hence, prays for dismissal of the petition.

4. After considering the rival contentions and going through the record, it transpires that as per the case of the prosecution, FIR was got registered on the statement of Ranjit Singh stating that on 10.07.2024 at about 7.30 PM, while the complainant along with his



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father was in his fields, then the accused Dilpreet Singh along with Amrit, Sandeep, Arsh, Arni and one unknown person, came there on four motor cycles. On *lalkara* being raised, the petitioner gave *kirpan* blow on the back side of the head of the complainant while Dilpreet gave *dattar* blow on his left elbow. Amrit gave *dattar* blow on his right elbow and Sandeep gave *dattar* blow on the back of his left shoulder. As a result, he fell down and the other assailants gave blow with *wooden sticks*. On alarm being raised, they ran away from the spot. Later on, they were shifted to hospital and FIR was got registered. A perusal of the record would reveal that out of the 04 injuries sustained by the victim, 03 injuries, i.e. injury No. 1, 2 and 3, were found grievous in nature and there is specific attribution to the petitioner having caused injuries with the help of *sword* on the back side of the head of the complainant which has also been found grievous in nature.

5. Admittedly, the weapon of offence is yet to be recovered for which custodial interrogation of the petitioner is required. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner to grant him anticipatory bail.

6. Dismissed.

(SANJIV BERRY)
JUDGE

11.09.2024
preeti

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