



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-41548-2024

Date of decision: 28.08.2024

Gursewak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Namit Khurana, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.195 dated 26.05.2024 under Sections 148, 149, 308, 323, 325 and 506 of the IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and a perusal of the FIR which has been annexed as Annexure P-1 clearly reveals that he has not been attributed any injury on the person of the injured as well as his friend who were stated to be returning from a gym on their motorcycle when they were allegedly attacked by the accused party including the petitioner. Learned counsel has submitted that in the circumstances, the only role, if any, attributed to the petitioner is of having extended threats to the injured complainant. He has further submitted that injuries inviting the mischief of Sections 308 and 325 of



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the IPC have been attributed not to the petitioner but to co-accused Jashan and Sandeep. A prayer has, therefore, been made by learned counsel that in the aforementioned facts and circumstances, since the petitioner is willing to join investigation and cooperate with the investigating agency, he be extended the concession of anticipatory bail.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR which stands reproduced hereinunder:-

*“Statement of Shubham son of Sohan Lal, Brahman, resident of village Marwa Kalan. Police Station Bilaspur, District Yamuna Nagar, aged 20 years, Education 12TH MO-7082368951. It is stated that I am of the aforesaid name and address and am a student and we are three sisters-brother. I am at No.2. Elder to me is my sister Madhu and another sister is Samriti. I go to Bala Ji Gym at Chhachhrauli Road for doing practice for last 15 days. In daily routine on dated 24/5/24 I alongwith my friend Amanpreet son of Rajender Singh Jat Sikh, resident of Kapuri Kalan, Police Station Bilaspur, after riding on my motorcycle No.HR-71-H-3869 Marka Splendor, we both had started for going to Balaji Gym Chhachhrauli Road for doing practice and at about 5.30 AM, when we had reached on Sadhaura Bilaspur Road near Asantbali Peer, from our behind 6/7 young boys motorcycles came and both the motorcyclists put their motorcycles on right and left side of our motorcycle, out of whom we identified four boys. One motorcycle was being driven by **Gursewak**, resident of Brahman Khera. Naseem was sitting behind, second motorcycle was being driven by Jashan, resident of Lahdarpur, Sandeep resident of Jhansa was sitting behind. I do not know other 2/3 boys. **Gursewak** by abusing asked us to stop and threatened to kill on the point of country made pistol having in his hand on the running bike. In the meantime, Jashan inflicted Gandasi having in his hand on my neck. Sandeep after catching collar of my shirt. pulled me behind. We both had fallen down alongwith the motorcycle on the left side of the road. Amanpreet stood on one side and then all of them together while hurling me abuses opened assault on me with iron Garari Gandasis having in their respective hands with intention to kill me*



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*on my both legs and both arms. Amanpreet continued raising noise Bachao Bachao, but they have broken my both legs badly with intention to kill me and then the passersby people started gathering. These people on seeing them gathering, all of them went away on their respective motorcycles alongwith their iron Garari Gandasis while hurling abuses from the spot. In the meantime. Ambulance came at the spot. some passersby might have made phone call. Then Amanpreet after taking me in the Ambulance, brought me to Government Hospital, Jagadhri for treatment, where after giving me first aid. Doctor Sahab referred me to MLGH/YNR. By not going there I am admitted in Shivalik Hospital, Jagadhri, where my treatment is going on. The aforesaid **Gursewak**, Jashan. Naseem, Sandeep and their 2/3 other young boys whose names are not known to me, together have opened assault on me with intention to kill me. I know them earlier, but I am not having any old revenge with them. Legal action may be taken against them. I have got my statement recorded to you in my senses in Shivalik Hospital, Jagadhri, which has been read over and heard, which is correct. SD SHUBHAM ATTESTED ISHWAR CHANDER SI PS BILASPUR DT. 26/5/24.”*

4. A perusal of the allegations levelled in the FIR clearly reveal that not only is the petitioner specifically named therein but he along with the co-accused were part of an unlawful assembly; all the accused including the petitioner, were armed with lethal weapons which were then used in the crime in question. No doubt, the petitioner has not been attributed any specific injury, however, as per allegations levelled in the FIR, the petitioner was armed with firearm with which he extended threats to the injured as well as his friend. Furthermore, the petitioner while being part of the unlawful assembly along with the co-accused gheraoed the complainant as well as his friend and thereafter inflicted injuries with gandasis resulting in fractures of both the legs of injured Shubham. Allegedly the accused party had come to the spot on their motorcycles out of which one motorcycle was being driven by

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none other than the petitioner himself. Prima facie, the allegations levelled in the FIR found due corroboration with the medical evidence as well. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. Accordingly, the instant petition is hereby dismissed.

5. 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.

28.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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