



CRM-M-40945-2024

1

206

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40945-2024

Date of Decision : 17.09.2024

RESHAM SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. G.S.Saini, Advocate for the petitioner.

Mr. R.S. Thind, DAG Punjab

Mr. Arav Gupta, Advocate for complainant.

KIRTI SINGH, J.(Oral)

Apprehending arrest in FIR No.0033 dated 10.07.2024, under Sections 118(2), 126, 115(2), 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 (Section 109 of BNS added later on) registered at Police Station Arif Ke, District Ferozepur, the petitioner has preferred this petition under Section 482 of BNSS, 2023 for grant of pre-arrest bail.

2 Succinctly the facts in brief are that the present FIR was registered on the statement of complainant-Tarlochan Singh alleging that on 04.07.2024 at about 9:15 PM, the complainant and his son were returning home after working in the fields. The complainant was on a motorcycle and his son was on foot and when he reached near the Dhani of Dilbag Singh, Jagroop Singh armed with kappa, Gurmail Singh armed with kappa, Sarwan Singh armed with dang, Gurdev Kaur empty handed, Gurlal Singh armed with kappa, Gursewak Singh armed with kappa, Nishan Singh armed with kappa, Sandeep Singh alias Sona armed with kappa, Resham Singh (petitioner) armed with spade, Arshdeep Singh armed with kappa and Gursewak Singh armed with handle of spade, were standing there. The



complainant stopped his motorcycle in front of them and Gurdev Kaur raised a lalkara that Tarlochan Singh (complainant) be caught as he had got a case registered against them and he should not be spared. When the complainant tried to turn back, Jagroop Singh threw him down from the motorcycle. Sandeep Singh gave a kappa blow on his left leg, Jagroop Singh gave a kappa blow on his right leg, Gurmail Singh gave kappa blow on his right leg, Sarwan Singh gave dang blow on his left arm, Gurlal Singh gave kappa blow on his left leg, Nishan Singh gave kappa blow on his right leg, Gursewak Singh gave kappa blow on his left leg, Resham Singh (petitioner) gave spade blow on his left leg, Akashdeep Singh gave kappa blow on his right leg. Gursewak Singh gave kappa blow on his right leg. On hearing hue and cry of the complainant, his son called his friend Gursewak Singh, who reached in his car and complainant managed to identify all the assailants in the light of car. Subsequently all the assailants fled away in their vehicles and complainant was taken to hospital, where the doctors, during treatment, amputated his right leg below the knee. On 21.07.2024, the supplementary statement of the complainant was recorded and vide rapat no.023 dated 21.07.2024 and offence u/s 109(1) BNS 2023 was added in the FIR.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and there is a delay of six days in lodging the FIR.

4. Learned State counsel while referring to Paragraphs No.6 to 8 of status report dated 06.09.2024 submits that as per the injury report dated 10.07.2024 issued by Amandeep Hospital, Amritsar, injuries no.1 to 7, 9 and 10 were declared as grievous in nature and injuries no.8 and 11 were declared as simple in nature. The petitioner after forming an unlawful assembly had attacked the complainant party and had inflicted multiple injuries on his person with sharp-



CRM-M-40945-2024

edged weapons as well as blunt weapons resulting in amputation of his right leg. Petitioner was armed with a handle of spade and has given blow on left foot of the complainant.

- 5. Heard the rival submissions made by learned counsel for the parties.
- 6. In view of the aforementioned discussions and in view of the serious allegations levelled against the petitioner and considering the fact that the injuries attributed to the petitioner are grievous in nature, this Court does not deem it appropriate to grant the concession of anticipatory bail to the petitioner at this stage.
- 7. Accordingly, this petition is **dismissed**.

17.09.2024
Kavita

(KIRTI SINGH)
JUDGE

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