



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-41669-2024
DECIDED ON: 28.08.2024

GURPREET SINGH ALIAS GOPI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. K.S. Brar, Advocate
for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 123 dated 05.07.2024 under Sections 118/115 (2) of BNSS Act registered at P.S. Sadar Fazlilka, District Fazilka.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

‘Statement of Azad Kumar son of Sultan Ram son of Chand resident of Karni Khera, Police Station Sadar Fazilka aged about 22 years, mobile No. 80549-48002, I would like to state that I am resident of above noted address and working as labourer. We were having family relations with Gurpreet Singh alias Gopi son of Makhan Singh resident of Waddi Uddian Dhani. About one year ago I had given Rs. 30000/- as loan to Gurpreet Singh@ Gopi and now when I demanded my money back then Gurpreet Singh@ Gopi got angry with me. On 02.07.2024 at 9.30 PM Gurpreet Singh@ Gopi came to my house on his motorcycle make Splendor and told me that



we have to go some place and he took me with him on his motorcycle. He has stopped his motorcycle aaty some distance away from the village near drain and told me that you are demanding money from me, I am giving money to you, in the meantime Gurpreet Singh@ Gopi has taken Kapa from the motorcycle and started giving blows of his Kapa to me, he has given direct blows of Kapa on above side of my left side knee, on the knee and left leg then I raised hue and cry then he tried to gave blow of Kapa on my head then I forwarded my right hand to save me, then said blow hit on my right hand and I fell down on the ground, then he given kick blows on my chest and neck while I was laying on the ground. I raised noise "Marta Marta" then I saw some boys coming from my village and on looking them, the said assailant ran away from the spot along with his Kapa on his motorcycle, the said boys had picked me up and informed my family about came to it. My mother Pushpa the spot, she arranged vehicle and got me admitted in Civil Hospital Fazilka, where I am under treatment. The motive behind the grudge is that I had demanded my money back from the accused which was given by me, due to which he has caused injuries to me. Statement got recorded, heard, same is correct, action be taken.'

3. It has been contended on behalf of learned counsel for the petitioner that he has been falsely implicated in this case by the complainant and there is delay of 3 days in lodging of the present FIR. He further submits that he has no enmity with the complainant and the injury suffered by the complainant was due to road accident and he has not inflicted any injury to the complainant, therefore, prays for grant of anticipatory bail to the petitioner.

4. Notice of motion.



5. Learned State Counsel appearing on advance notice accepts the same on behalf of respondent-State of Punjab. He vehemently opposes the prayer made in the present petition stating that according to the Medico Legal Report, the examination of the complainant-injured was conducted on 02.07.2024 i.e. the date of alleged occurrence when he came to the hospital and the report was prepared on 03.07.2024. He further submits that ruqa was sent on 02.07.2024 itself and after that FIR was registered on 05.07.2024, therefore, the delay, if any, as has been argued by counsel for the petitioner, is thus well explained.

6. This Court after having perused the Medico Legal Report with the assistance of the State Counsel would make out the nature of injuries inflicted by Kapa which though has not been declared grievous in nature but the same have been shown caused with sharp edged weapon as there is a lacerated wound of 2.5x0.2 cm. It is further the case of the prosecution that the complainant advanced a loan of Rs. 30,000/- to the petitioner and later on, when he demanded back the money, the petitioner got angry and to teach the complainant a lesson took him on the motorcycle on wrong pretext and on the way stopped the motorcycle and gave injuries to the complainant, moreover, the injuries on the knee has been shown as grievous in nature and as per the case of the prosecution

7. In the light of the aforesaid Medico Legal Report, the case set up before this Court by the prosecution, the argument on behalf of counsel for the petitioner that the injuries to the complainant are caused due to an accident while travelling together with the petitioner. The complainant after three days has lodged the FIR is totally found to be incorrect and contrary to



the record as the complainant was admitted in the hospital at night on 02.07.2024 itself who was medically examined and the report was prepared on 03.07.2024 and therefore, lodging of the FIR on 05.07.204 is well explained, as far as the argument qua delay in lodging of the FIR is concerned.

8. This Court cannot ignore the circumstance where in a civilized society one is taking law in their hands and the circumstances in which crime is committed using the weapon i.e. kapa a sharp edged weapon. Looking into the totality of the factual aspects and circumstances such like offenders need to be taken to task especially when the recovery of weapon used and the motorcycle which the petitioner drove are yet to be recovered by the prosecution and on that account custodial interrogation is deemed to be necessary at this stage.

9. Hence, the present petition deserved to be dismissed being devoid of any merit. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28.08.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>