



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-42162-2024
Date of decision: September 12th, 2024

Harpreet Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.80 dated 31.07.2024 under Sections 115(2), 118(1), 3(5), 118(2) of the BNS, registered at Police Station Kalanaur, Gurdaspur.

2. Mr. Narinder Kumar Vadehra, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

3. Learned counsel for the petitioner submits that a false and fabricated case has been foisted upon the petitioner on account of some family dispute; he submits that the delay of two days in the lodging of the FIR further lends credence to the petitioner's false implication in the present case. It has been further submitted that since the petitioner has no criminal antecedents, he deserves to be extended the concession of anticipatory bail, more so when he is willing to join investigation and

**CRM-M-42162-2024****-2-**

cooperate with the investigating agency. Learned counsel for the petitioner has further argued that the entire occurrence in question was shrouded in suspicion, which has also been observed by the police in the FIR in question, which also needs to be appreciated in the light of a delay of two days in lodging of the FIR.

4. On a pointed query put to the learned counsel as to when the complainant (who too was allegedly injured in the occurrence in question) and his brother injured Amarjit Singh were medico legally examined, he has not disputed that they were examined soon after the occurrence in question.

5. On being put to notice, learned counsel for the State has filed short reply by way of affidavit of Deputy Superintendent of Police, Kalanaur, Gurdaspur, which is taken on record subject to just exceptions. Copy therefore has been supplied to the counsel opposite.

6. Learned State counsel assisted by learned counsel for the complainant has at the outset vehemently opposed the prayer and submissions made by the counsel opposite by inviting the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of Manjit Singh son of Avtar Singh resident of Meerakchana police station Kalanaur aged about 55 years Mob No. 94643-82598 stated that I am a resident of above said address and I am serving in BSF and posted at West Bengal Cooch Bihar. On 08.07.2024, I am on leave for 27 days. On 29.07.2024, i was working in my fields and when I started back from my fields to my house. Then, Harpreet Singh son of Ranjit Singh armed

**CRM-M-42162-2024****-3-**

with Datar and Ranjit Singh son of Avtar Singh armed with dang residents of Meerkachana at time will be around 12:10 PM came there on my way. Harpreet Singh raised a lalkara to teach Manjit Singh a lesson for demanding share in manure pit. Thereafter, Harpreet Singh gave a datar blow which hit on my right leg near knee Then Harpreet Singh gave a reverse datar blow and I raised my right hand to save myself and the same hit on thumb of my right hand. Then my brother Amarjit Singh came forward to save me. Harpeet Singh made two reverse blow of datar which on his left hand and back side of right thigh. Then Ranjit Singh made a dang blow on my brother which hit on right leg near knee. We-ran-to, our house to save ourselves Then Harpreet Singh, his father Renjit Singh and Sukhveer Kaur wife of Ranjit Singh followed us and entered in our house. Then Sukhveer Kaur also raised lalkara not to live him alive and teach him a lesson for demanding share in manure pit. Then Harpreet Singh made two reverse blow of datar on me which hit on my chest on left side and second on left shoulder. I raised hue and cry, seeing a lot of people gathering, the said accused ran away from the spot with their weapons. Then my brother Visakha Singh son of Avtar Singh resident of Mirkachana arranged a vehicle and got admitted me and my brother Amarjit Singh to CHC Kalnaur, where doctor Sahib has applied bandage and issued MLR and treatment was given to us. Legal action be taken against the said person.”

7. It has been contended by the learned State counsel that the petitioner was armed with a lethal weapon i.e. a *datar*, with which he inflicted a number of injuries on the person of complainant Manjeet Singh and the brother of the complainant, Amarjit Singh. It has also been submitted that the allegations levelled in the FIR find due



CRM-M-42162-2024

-4-

corroboration with the medical evidence on record. Learned counsel for the complainant has further argued that on the face of it, it comes across as a premeditated attack.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. In the facts and circumstances as enumerated hereinabove, coupled with the specific allegations levelled against the petitioner, no ground is made out to extend the extraordinary concession of anticipatory bail to him.

10. The instant petition stands dismissed.

11. 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.

September 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No