



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-42235-2024

Date of decision: 01.10.2024

Kirat Singh @ Harkirat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section Bharatiya Nagarik Suraksha Sanhita, 2023 of the Cr.P.C. in case FIR No.80 dated 17.07.2024 under Sections 194(2), 115(2), 118(1), 126(2), 351(2), 140(3), 190 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Arniwala, District Fazilka.

2. On being put to notice, learned State counsel has put in appearance and vehemently opposed the prayer and submissions made by the counsel for the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which involves allegations of kidnapping the complainant and inflicting injuries upon him. While drawing the attention of this Court to FIR which has been annexed as Annexure P-1, it is further submitted that the false implication of the petitioner is evident from a bare perusal of



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the FIR itself, as no specific role, let alone any injury has been attributed to the petitioner. The only role attributed to the petitioner is that he allegedly accompanied the co-accused to the place of the alleged occurrence. Learned counsel has further argued that while there had been a prior altercation between the parties, the dispute had been resolved amicably. However, the incident in question occurred thereafter, during which the accused party allegedly went to the school of the complainant. Upon seeing the accused, the complainant and one of his companions attempted to flee, resulting in one of the complainant's companions falling to the ground, where he was then attacked by some of the accused.

4. Learned counsel for the petitioner has also submitted that a CCTV footage from the place of the incident clearly demonstrates that the petitioner did not inflict any injury on either the complainant or any of the other injured persons. Additionally, it has been argued that no recovery, much less recovery of any weapon of offence, is to be made from the petitioner, and thus his custodial interrogation would serve no useful purpose.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by reiterating the allegations levelled in the FIR which stand reproduced hereinunder:-

“Statement of Ramandeep Singh son of Jaswinder Singh son of Balwant Singh resident of village Gatianwali Bodla, Tehsil Fazilka, Police Station Arniwala, aged about 17 years, Mob. No. 97813-04461 stated that I am a resident of the above said address and I am studying in +1 class at Government High Secondary School Chimnewala.



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Yesterday on 16.07.2024, I and my companion Arshdeep Singh son of Balwinder Singh resident of Aliya and Sukhwinder Singh son of Bagga Singh, resident of Gatianwali, who studies with me in +1 class, we three were sitting in our class room and were studying, at around 10 o'clock in the morning, Anmol Singh son of Raju Singh resident of Chimnewala, who studying in +2 class. Anmol Singh started throwing stones (bajri) on us from the outside and we stopped Anmol Singh from rowing. Then Anmol Singh came to our class and slapped Sukhwinder Singh, we stopped him, then Anmol Singh threatened us that I will see you when you get out after the school is over. It was around 11.40 AM when we got free from the school, then we three came out of the school, Anmol Singh alongwith 6/7 boys were there outside the school, whose names we don't know. Anmol Singh alongwith these 6/7 persons started beating us and at that time we made a compromise between ourselves that we will not say anything to you and you will not say anything to us. When we were leaving after school, I and Arshdeep Singh, Sukhwinder Singh, on the motorcycle of Arshdeep Singh going to our respective homes, when we were going to village Chimnewala, a short distance from the school, then Varun Singh son of Lakhwinder Singh armed with Kapa, Anmol Singh son of Raju Singh armed with Kapa, Gaggi son of Chhinda Singh armed with Kapa, Lakhwinder Singh son of Darshan Singh armed with Talwar, Chhinda Singh son of Darshan Singh armed with Kapa, residents of Chimnewala and 5/6 unknown persons with them who were carrying sticks, dang, stopped our motorcycle and took the key of our motorcycle and Varun Singh and others started beatings us with kapa, kirpan and stick, then I and Sukhwinder Singh ran away from there and due to the severe injury on Arshdeep Singh's foot, he fell down there and we entered the house near the railway gate to save ourselves, Varun Singh and others also followed us entered the said room with their respective weapons, where beatings were given to me and Sukhwinder Singh by Varun Singh, Anmol Singh, Lakhwinder Singh, Gaggi Singh, Chhinda Singh, **Kirat Singh**, Gurpreet Singh and other persons with Kapa, Kirpan and Stick and after giving beatings, they brought me and Sukhwinder Singh to the school and we were made to apologize and at that time the principal of the school was also present and there also Lakhwinder Singh, Varun Singh, **Kirat Singh**, Gurpreet Singh, Anmol Singh and others gave us beatings with Kapa and stick and they also made our video and Suraj Singh, son of Swaran Singh, resident of Jodki Andhewali, took Arshdeep Singh above, on his motorcycle for first aid to Dr. Pawan Kumar,



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resident of Jodki Adhewali and Anmol Singh, Varun Singh, Gaggu Singh, Lakhwinder Singh, Chhinda Singh above had also reached there alongwith their weapons at the clinic of Dr. Pawan Kumar, Arshdeep Singh was being taken on motorcycle by Anmol Singh and other with the intention of give beatings to him somewhere. The relatives of Arshdeep Singh came to know the same, then uncle/mama of Arshdeep Singh namely Rajesh Singh son of Karnail Singh, Swaran Singh son of Gurdayal Singh and other 3/4 person resident of Jodki Adhewali stopped their motorcycle and rescued Arshdeep Singh from the hands of Anmol Singh and others. If the maternal of Arshdeep Singh, were not aware about the same, then Arshdeep Singh was going to be harmed, then Arshdeep Singh was brought by his relatives and other persons to the school and the accused Anmol Singh and others ran away from the spot with their respective weapons, police party also reached, police took all three of us to the Civil Hospital, Fazilka in their vehicle and admitted, where doctor Sahib gave us first aid. The grudge is that Anmol Singh used to rowing with gravel upon the children while sitting in our class and we stopped him from doing the same, due to this reason the above said accused Anmol Singh and other gave beatings us and legal action should be taken against them. Statement is recorded to you heard and its correct.”

6. Learned State counsel, on instructions, has argued that there are serious allegations against the petitioner, including inflicting multiple injuries on the injured after the complainant was kidnapped. It has been further submitted by the learned State counsel on instructions that there were three victims in total : injured Arshdeep sustained three injuries, Randeep sustained six injures and Sukhjinder Singh sustained two injuries during the incident in question. Furthermore, the occurrence took place in front of the school principal; even the videography recorded by the accused party themselves shows the petitioner clearly armed with a lethal weapon i.e. a 'kappa'. Learned State counsel has, therefore, asserted that in view of the above, the



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custodial interrogation of the petitioner is required in the present case.

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

8. Prima facie, it does appear to be a premediated attack carried out upon the complainant party by all the accused, including the petitioner. The petitioner, along with his co-accused, were allegedly armed with lethal weapons and kidnapped the complainant; all the accused then allegedly inflicted multiple injuries on him and three others. The injuries inflicted by the petitioner and his co-accused are captured in a videography recorded by the accused themselves, and the incident in question occurred in the presence of the school principal.

9. In view of the gravity of the allegations levelled against all the accused, including the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

10. 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.

01.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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