



CRM-M-43325-2024

-1-

103 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43325-2024
Decided on : 24.10.2024

Gurmukh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohit Shukla, Advocate for
Mr. Inderjit Sharma, Advocate for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of anticipatory bail in case FIR No.61 dated 29.05.2024 under Sections 324, 323, 34 IPC (Section 307 IPC added later on) registered at Police Station Maur District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and was not even present anywhere in the near vicinity of the occurrence when the complainant party sustained injuries at the hands of the accused party. It has been submitted that in fact, it is a case of version and cross-version, which took place on account of a dispute pertaining to water. It has also been urged that there was a delay of two days in lodging the FIR in question, which further points out to a fabricated case having been planted upon the petitioner.



CRM-M-43325-2024

-2-

3. On a pointed query posed to the learned counsel as to the nature of injury attributed to him, he submits that as per allegations levelled, the petitioner was allegedly armed with a spade with which he inflicted injury on the head of the complainant, which was then followed by another injury on his right arm.

4. I have heard learned counsel for the parties and perused the material placed on record including the FIR, which stands reproduced as under:

"It is stated that I am resident of above mentioned address and do agriculture work. We are two brothers. I am elder and Amrik Singh younger to me. We both are living separately. Amrik Singh also does agriculture work. On 27.05.2024 at around 06:00 P.M. I was taking my water turn and at 7:42 P.M. in the evening, the water had to be distributed to Karam Singh son of Najam Singh, so we all three, Khushpreet Singh son of Kuldeep Singh alias Kohli, who is my son, and Amrik Singh, son of Karnail Singh, were watering the fields, then Karam Singh son of Najam Singh, Karam Singh's nephew (Bhanja Gurmukh Singh who has also been living at Bhaini for many years along with his mother and Najam Singh son of Gurdial Singh, all the three, segregated the water from us 10 minutes ago, then the water of our outlets (Nakkas) was running in the water channel (Khal); one outlet of water was running near the motor and the other outlet of water was running near the houses of Pandits in the maize field and I said to him that he should allow me to fill up the water channel



(Khal) and he did not allow me to fill up the water channel (Khal) and he became abusive with us and on the way near the house of panditsa scuffle and heated argument took place between us. Then, Karam Singh gripped for Amrik Singh and threw him down, and Gurmukh Singh, the nephew of Karam Singh, gave a blow with the handle of Kahi directly on head of my brother Amrik Singh and he again gave Kahi blow which directly hit on the muscle of right side arm. Thereafter, I and Khushpreet started to get free them and Karam Singh gave Kahi blow on my left wrist (Gut) and second blow on my left side of temple. Thereafter, Najam Singh gave a Kasia blow on the elbow of right arm of my son Khushpreet Singh and second blow on his left side of the head above the ear and the third blow was given on the left eye of Khushpreet Singh. We raised raula and on hearing raula, Varmdeep Singh son of Dharam Singh came there after hearing our cry and got on his motorcycle and ran away with the weapon. After that, we got on our own motorcycles came to the village leaving Khushpreet near Amrik Singh, Vermdeep hired the car of Gursewak Ram, son of Paramjit Ram, resident of Bahini Chuhar, and put Amrik Singh in it and we all three admitted in Talwandi Sabo and they further referred us and due to grievous injury on head of Amrik Singh, he was got admitted to Bathinda Neuro Spine and Trauma Center Bathinda where he is undergoing treatment. After conducting our x-rays, the doctor discharged us after treating us and you met us in the hospital. Motive is that Karam Singh segregated water 10 minutes before us and he



did not even allow us to fill the water, because of which Karam Singh son of Najam Singh, Najam Singh son of Gurdial Singh and Gurmukh Singh son of unknown residents of Bhaini Chuharin connivance with each other gave us injuries. Action be taken against them. I have got recorded my statement to you, heard and it is correct. Sd/-”

5. *Prima facie*, the petitioner comes across as being an active participant in the occurrence in question; the petitioner and all the other co-accused were armed with lethal weapons. The petitioner has been attributed an injury on the head of the complainant inviting the mischief of an offence under Section 307 IPC. The contention of the learned counsel qua the delay in the lodging of the FIR would not come to his rescue as it has been conceded by him that the injured were removed promptly to the hospital after the occurrence in question and medico-legally examined.

6. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. Accordingly, the instant petition stands dismissed.

7. 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.

24.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

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