

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48234-2024 (O&M)

Date of Decision: 26.09.2024

Karan Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kulbir Singh Sekhon, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). This petition under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the petitioner seeking anticipatory bail in case FIR No.21 dated 25.04.2024 (Annexure P1) under Sections 324/323/148/149 IPC (Section 308 IPC added later on), registered at Police Station Amir Khas, District Fazilka.

Facts

(2). Facts as culminating in the FIR is reproduced as under:-

“Statement of Surinder Pal alias Surinder s/o Hari Chand r/o Chak Kathgarh alias Droga aged about 45 years M. NO. 9781223314 stated that I am a resident of the above address and agriculturist by profession. On 23.4.2024, I was making straw from the grain of wheat in my field and taking it to my home. It would be 9:45 PM when I sent the trolley full of straw to my house through my labour and I was riding on my motorcycle Paltina was approaching on the road from the field, then suddenly in front of me the motorcycle rider Raj Singh alias Raju s/o Kashmir Singh r/o Dhani Nihanga Wali Dakhli Chak Kathgarh alias Droga came on and raised alarm that caught hold of him, he should not be spared. Meanwhile pillion rider Karan Singh s/o Laddu Singh r/o village Amir Khas, came down and gave me sword blow from

reverse side which hit on left side of my head above forehead then Raj Singh @ Raju above gave me Kapa blow from reverse side which hit on the right side of my head. The light of my motorcycle was on at that time and I fell down, they inflicted injuries while I was lying on earth, I raised alarm MARTA-MARTA, meanwhile, my uncle Om Prakash s/o Lachhman Das and Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga who were coming to the village from Jalalabad city happened to hear my voice and came at spot. When they started to release me from the clutches of them, then Jasvir Singh alias Jassi s/o Balwant Singh armed with Kapa, Balwant Singh s/o Harnam Singh armed with Baseball, Manjit Singh s/o Bachan Singh armed with stick, Sona Singh s/o Kashmir Singh armed with Tregal(an agricultural instrument), Kashmir Singh s/o Uttar Singh armed with stick and 5/7 unidentified men who were holding weapons in their hands came and challenging them to catch them and let them taste the fun of scuffling with our boys. When he came forward to save them, all of them inflicted injuries upon person of my uncle Om Prakash too. All these persons are r/o Dhani Nihanga Wali Dakhli Chak Kathgarh alias Droga near my village. I can recognize these 5/7 unknown persons who were along with them when they appear before me. Then, seeing my family members and the villagers coming, all the people ran away with their weapons. Then Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga arranged a convenance for both of us and got admitted to Civil Hospital Jalalabad. Where the doctor referred us to Sri Guru Gobind Singh Medical College, Faridkot for advanced treatment, where we are getting treatment. The motive is that the road of our village is often occupied by robbers at night. Because of this, they beat me. Scribed a statement to yourself. Found correct. Action should be taken. Signature in Punjabi Surinder Pal above, Affirmation Statement Signature in English Ajay Kumar s/o Om Prakash r/o Chak Kathgarh alias Droga.”

Submission by the petitioner

(3). Learned counsel for the petitioner contends that the complainant alleged in the FIR that petitioner along with 6 persons who are known to

complainant and 5/7 unknown persons caused injuries upon him and his uncle namely, Om Parkash. He submits that there is unexplained delay of 2 days in lodging in the FIR as the alleged occurrence took place on 23.04.2024 whereas the present FIR has been registered on 25.04.2024 and that the case involved is based on version and cross-version and a DDR No.24 dated 26.04.2024 was also recorded on the statement of the petitioner against the complainant as simple injuries have been inflicted upon the petitioner and his sister Usha Rani. He seeks parity with the co-accused Balwant Singh who has been granted anticipatory bail by this Court vide order dated 30.05.2024 in CRM-M-28280-2024 (Annexure P4).

State's contention

(4). Learned State counsel, on the other hand, contends that the petitioner has given injury by baseball bat on the chest as has been stated by one Om Parkash in his statement and the medical opinion of the same is yet to come and as such, the custodial interrogation of the petitioner is required at this stage. He further asserts that the cross-case version was found to be false and other than the multiple injuries with kappa and sword had been inflicted on the person of the complainant and moreover the weapon like trengle, kappa and sword etc. are yet to be recovered.

Analysis

(5). As per the version of FIR, prosecution has been launched against 7 persons including petitioner. The primarily allegation of causing injury is against Raj Singh and the present petitioner Karan Singh only and it is alleged that they along with co-accused persons came were armed with sword, kappa and trengle and encircled the complainant and caused injuries on his head and

forehead, besides other parts of the body. Moreover, the police during investigation and the medical report found that the petitioner and other assailants, inflicted injuries with an intention to kill the complainant.

(6). Reliance placed by the petitioner that the co-accused Balwant Singh has already been extended the concession of anticipatory bail and his case stand on similar footing, cannot be accepted taking into consideration the gravity of the offence and injuries attributed against the petitioner which are specific in nature whereby he is alleged to have inflicted grievous injury on the head of the complainant and the weapon used by the petitioner for commission of the crime is yet to be recovered and as such on that account custodial interrogation of the petitioner is very much required.

(7). In view of the above discussion, there is no merit in the present petition and the same is accordingly dismissed.

26.09.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No