



210

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

CRM-M-48182-2024**Date of Decision: 23.10.2024**

Uday Shankar Tiwari

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Nishan Singh Chahal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to him in case FIR No.332 dated 31.08.2024, registered under Sections 118, 115(2), 351(2), 324(4), 190, 191 (3) and 333 of BNS, at Police Station City Faridkot, District Faridkot.

2. The FIR in the present case was registered on the basis of the statement made by Shaminder Singh son of Mohinder Singh and the same has been reproduced below:-

“Statement of Shaminder Singh son of Mohinder Singh son of Sodagar Singh, resident of Street No.02, Sanjay Nagar, Faridkot, aged about 40 years, Mob: No. 80704-00002, 99881-24851, stated that I am a resident of the above said address and at this time I am working at Indian Fast Food Shop, Gate No. 05, Nawa Qila Road Faridkot army Cantonment. On 26-08-2024 time will be around 05/05.30 PM I was working alone in the shop



when some persons entered my shop with weapons. Shankar Tiwari was on front of him, as soon as he entered the shop, he raised lalkara and said that he is Shaminder Singh, catch him and let not him scot free today. Meanwhile, Aniket attacked me with his Kappa, I used my left hand to save myself, then Kappa hit on the palm of my left hand. Then second attack by Uday Shankar with his kirpan, I moved back a little to protect myself and the kirpan hit me on below my left shoulder and above my elbow. Aniket hit me with a kappa, this time it hit on my thumb, then Meenu Tiwari gave me blow with his baseball, I used my left hand to save myself, then which hit on my little finger of left hand. Other assailants kept on giving me fist and kick blows and I saved myself by taking the help of the bench lying in my shop. In order to rescue myself when I took shelter of the bench, Uday Sankar said in a loud voice that all the articles lying in the shop be thrown on road. Upon which the unknown boys accompanied the assailants threw fridge, cooler, two mixture, counter, utensils, gas cylinders etc. outside the Shop on the road and In between this I by using the stairs inside my shop jumped in to the back house and through the fields managed to reach the house of Ricky Fauji, they all also reached there, but brother of Ricky Fauji did not open the gate of his house. Thereafter, all the people threaten to kill me, and left the spot with their respective weapons. Because of my injuries, my friends Bhor Singh and Gursevak Singh arranged a ride and admitted me to GGSMC Hospital, Faridkot, where after my treatment, Doctor sahib discharged me. Uday Sankar kept threatening me during the treatment that if you file a complaint, I will kill you, that's why I didn't write a statement, but today my shop owner Kulwinder Singh said that I will go with you, you don't need to be afraid, and I came to the police station with my shop owner. Please take proper action against all of them, Uday Sankar Tiwari, Meenu Tiwari wife of Uday Sankar Tiwari, Aniket son of Uday Sankar Tiwari and 03/04 named persons for beating me up and breaking my belongings.



Bone of contention is that Uday Sankar used to stop me from working in Kulwinder Singh's shop, but because I had taken some money in advance from Kulwinder Singh and I could not find work in any other place, I continued to work in the shop, that's why Ude Sankar has given injuries to me, legal action should be taken against them. I have given the statement and read it. True/- Saminder Singh."

3. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 26.08.2024, but the FIR in the present case was registered after a delay of 5 days. He further contends that in fact, the petitioner had retired from the Army as Subedar and was running a grocery shop at Cantt. Road, Faridkot. The complainant had borrowed a sum of Rs.40,000/- from the petitioner in the month of July, 2023 and when the petitioner demanded the money back, there was a dispute between both the sides. The petitioner never inflicted any injuries on the complainant and has been falsely involved by levelling general allegations against him. He further contends that even as per the version of the complainant, the petitioner had caused an injury with a kirpan on the elbow of left hand of the complainant and the said injury has been declared to be simple in nature.

4. On the other hand, in compliance of order dated 26.09.2024 passed by this Court, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Faridkot has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and his two family members had caused serious



injuries to Shaminder Singh, complainant and he does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.
6. In the present case, it has been alleged that the petitioner caused an injury with a kirpan on the left wrist of the complainant and the said injury has already been declared to be simple in nature. Moreover, in the meantime, wife of the petitioner-Meenu has joined the investigation and has already been admitted to bail.
7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

23.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No