



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

210

CRM-M-50377-2024

Date of decision: October 21st, 2024

Shahid

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.102 dated 24.08.2023 under Sections 326, 324, 148, 149 of the IPC, registered at Police Station City Zira, District Ferozepur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case for allegedly inflicting injuries on the person of the complainant. While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been further submitted that the petitioner's false implication in the instant case is evident from the fact that there has been an unexplained delay of more than 24 days in the lodging of the FIR in question as it was lodged on 24.08.2023, whereas the occurrence allegedly took place on 31.07.2023.

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3. It has been further submitted that the petitioner was falsely implicated in the present case on account of a love affair between him and sister-in-law of the complainant. Learned counsel has also urged that since co-accused Neha has been extended the concession of anticipatory bail, he too be extended the same relief.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. Before proceeding further, it would be appropriate to reproduce the allegations levelled in the FIR in question, which are as under:-

*“Statement of Prem Singh son of Chiman Lal son of Harbans Lal resident of Basti Machian, Zira, P.S. City Zira, aged about 45 years. Mobile No.9781954885. Stated that I am resident of above said address and doing the work of truck driver. Rajni daughter of my sister in law Neelam was having affair with **Shahid** son of Sikandar Singh resident of Machian, Zira and earlier Rajni had gone from home along with **Shahid** about 3 months ago and after some days she had came back to house. Then again on 31.7.2023 time would be 5/6 p.m., then mother of above said **Shahid** called Rajni from her house. Then I and my brother and others came to know that after stopping the above said girl Rajni in the house of Sewak Singh son of Babbi Singh resident of Basti Machian Zira and were talking about taking back the girl to house. In the meantime **Shahid** son of Sikandar Singh armed with Khanda, Vansh son of Chamkaur Singh armed with kirpan, Gursewak Singh @ Kapil son of Mulakh Raj armed with Kirpan, Rahul @ Gauri son of Madan Singh residents of Basti Machian Zira reached there. Then Gursewak Singh @ Kapil raised lalkara and*



*said that today teach them a lesson for sending back the girl Rajni d/o Paramjit Singh. Then **Shahid** gave khanda blow on me, which hit straightway on my nose, then my wife Paramjit Kaur tried to save me, then Gursewak Singh @ Kapil above said gave dasti blow of Kirpan on her which hit on her right hand straightway. In the meantime **Shahid** gave another blow of khanda on me which hit straightway below the nose and on upper jaw, due to that my three teeth of upper side and two teeth of lower side were cut due to injury. Rani, and Rahul @ Gauri gave me fist blow. Then I and my brother Janak Raj and others raised noise of "Na Maaro Na Maaro". On hearing the noise, our neighbours ran towards us. Then all the above said persons while raising lalkaras ran away from the spot along with their respective weapons. Due to severe injuries, after arranging the vehicle, I was got admitted at Civil hospital Zira for treatment and my wife Paramjit Kaur could not be got admitted due to domestic reasons. Cause of grudge was that Sahhid and Rani wife of Sikandar Singh want to forcibly take away daughter of sister in law namely Rajni along with them and I, my and my brother in law Paramjit Singh and sister in law Neelam were gathered in the house of Sewak Singh above said for taking back the girl Rajni to house. But **Shahid** and his companions forcibly want to take away Rajni along with them. On stopped by us, they have inflicted injuries to me and my wife with sharp weapons. Regarding my injuries, I was got treated from CH Zira. As talks of compromise were going on between us, I went to house after discharge from hospital. Today I have got recorded my statement to you, heard and same is correct. Legal action be taken."*

6. From a perusal of the above reproduced contents of the FIR, *prima facie* it appears to be a premeditated attack, where the



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petitioner along with the other accused after being armed with lethal weapons, inflicted numerous injuries on the complainant party. Furthermore, there are specific allegations against the petitioner of being armed with a lethal weapon i.e. *khanda* with which he inflicted injuries on the neck of the complainant as well as on his jaw resulting in loss of five of his teeth. The argument raised by the learned counsel for the petitioner qua the delay in the registration of the FIR would not come to his rescue, as admittedly the complainant party was promptly taken to a hospital after the occurrence in question, where they underwent a medico-legal examination on the same day of the occurrence in question. Furthermore, the petitioner cannot also seek with the co-accused, who has been released on bail, as the said co-accused had been attributed only a simple injury, whereas the petitioner has been attributed grievous injuries including a injury on the complainant’s neck.

7. In the facts and circumstance as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.
8. The instant petition stands dismissed.
9. 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.

October 21st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No