

CRM-M-54206-2023

Date of Decision: 15.01.2024

Ajit Ram

...Petitioner

VS.

State of Punjab

...Respondent

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

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. J.S.Sekhon, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. Additional Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Rural, District Hoshiarpur has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.150 dated 06.10.2023, registered under Sections 323, 324, 326, 506, 34 of IPC, at Police Station Bullowal, District Hoshiarpur.

3. The FIR in the present case was registered on the basis of the statement made by Kulwant Singh son of Ram Piara and the same has been reproduced below:-

“ Statement of Kulwant Singh son of Ram Piara, resident of village Hargarh, Police Station Bullowal, District Hoshiarpur, aged about 68 years, Mob No. 93753-811313. It is stated that I am resident of above mentioned address. I have retired from drainage department Hoshiarpur as Draftsman in the year 2015 from Hoshiarpur. Now I am working in my village Hargarh by running flour mill. On dated 25-09-2023 at about 06:15 PM time I went to my field in village Hargarh for bringing fodder for my cow. House of Ajit Ram, son of Parkash Ram is situated exactly in front of my field and along with my field, passage goes to the village periphery road. Ajit Ram and his real brother Tehal Dass were demolishing the raised boundary wall of my field. I asked them as to why they are demolishing the raised boundary wall of my field, but both brothers started hurling abuses of me and Tehal Dass raised lalkara that today Kulwant Singh shall not be spared and lesson is to be taught to him. He stops our family members from throwing garbage near the field. At the same time, Tehal Singh came running and caught hold of me and Ajit Ram assaulted me on my head with his iron sickle (dattri); in order to save myself I tried to stop him with my right arm as a result of which iron sickle (dattri) hit on my right arm and I was smeared with blood. I raised alarm for help. On hearing my shrieks, my wife Rashpal Kaur, my elder daughter Jiwanjot rushed towards the spot. On seeing them the assailants, while giving threats and hurling abuses, fled away from the spot along with their weapons. My daughter Jiwanjot and my wife after making arrangement of a vehicle firstly took me to a private hospital Universal, Aslamabad, for my treatment and then on 27-09-2023, they got me admitted for treatment in Government Hospital Hoshiarpur, where I am under treatment. Cause of enmity is this that I prevented Ajit Ram and his family members from throwing garbage in and near my field and due to this reason they gave beatings to me. Legal action may kindly be taken against both brothers Ajit Ram and Tehal Dass sons of Parkash Ram residents

of village Hargarh. I have given my above statement in the presence of my wife Rashpal Kaur. LTI Kulwant Singh, as a witness SD/- Rashpal Kaur.”

4. Learned counsel for the petitioner submits that as per the case of the prosecution, the petitioner had caused an injury with a *datri* on the right arm of the complainant/injured, however, the said injury is on a non-vital part of Kulwant Singh. Learned counsel further contends that it is a case of version and cross version and the trial Court is yet to ascertain as to whether the petitioner was the aggressor or the complainant side had initiated the fight. Learned counsel further contends that the custodial interrogation of the petitioner will not be required in the present case.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner. Learned State counsel submits that Kulwant Singh, complainant/injured had suffered one injury and medical opinion was obtained with regard to the said injury. The opinion submitted by the Board of Doctors in the present case is as under:-

"After reviewing the patient, the MLR the MRI report of Govt. Medical Collage, Amritsar and the surgical treatment record of Universal Hospital and Trauma Centre, Aslamabad, Hoshiarpur (from where the patient got his surgery done), the board is of the opinion that since there was cut injury of ulnar nerve, ulnar artery and flexor tendons of right wrist (as per treatment record) and these injury findings are confirmed with MRI report of GMC Amritsar, therefore the injury No.1 of above said MLR is declared as grievous in nature. The weapon used for inflicting this kind of injury is likely a sharp weapon".

5. Learned State counsel further submits that even though the injuries were there on the person of the petitioner, however, the said injuries have been found to be self suffered, with a friendly hand. Thus, the petitioner does not deserve the concession of anticipatory bail.
6. I have heard learned counsel for the parties and perused the record.
7. From the record, it is apparent that the petitioner had caused injury with a sharp edged weapon (*datri*) on the right arm of the complainant and due to this, the complainant had suffered a grievous injury. Thus, it is evident that the present petitioner is the main accused and does not deserve the concession of anticipatory bail.
8. Dismissed.

15.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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