

2024.PHHC:148392



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

Sr. No.218

**CRM-M-52054-2024 (O&M)
Date of decision : 12.11.2024**

Sagar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. B.S. Jaswal, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.56 dated 20.08.2024, under Sections 115(2), 118(1), 3(5) of BNS, 2023 (Section 118(2) of BNS added later on), registered at Police Station Kotli Surat Malhi, District Gurdaspur, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

2. The translated version of the FIR reads as under:-

“Statement by Madhu wife of Sunny Masih, resident of Fattupur, Police Station *Kotli Surat Malli, District: Gurdaspur*, age about 33 years, mobile number: 86996-47964; stated that I am a resident of the said address and doing housework. My husband works as a photographer. On 19-8-2024, it will be around 09:30 AM that I was present in my house, my husband took his motorcycle and went out of the house to drop the child to school, then there were 2 motorcycles standing in the street, both of which were motorcycles from our neighborhood. Sagar, s/o Sukhwinder Singh was a resident of Fattupur who was standing in the street and it was difficult to pass because he was occupying in the street, so my husband

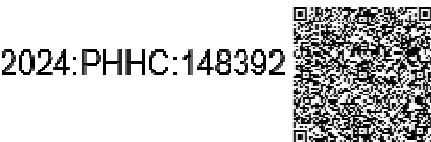
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asked Sagar to remove the motorcycle from the street, but he started arguing with my husband. But when I came, Sagar's father Sukhwinder Singh came out of the house with an iron rod. My husband Sunny Masih took him and went behind him to save the child. Sukhwinder Singh hit me once with the iron rod in his hand, which hit my right shoulder, then Sagar s/o Sukhwinder Singh pulled out a knife from his motorcycle and hit me directly, which hit my left arm. Then Sagar hit me a second time, to protect him, I put my left hand forward, which hit my hand and I fell to the ground. I fell, and Sukhwinder Singh hit me on the head with his iron rod and shouted "I have killed her". My husband Sunny Masih came forward to save me. All the above said person on hearing rola, they entered the house along-with their weapons and my husband saw me. My husband picked me up in an injured condition and took me to Civil Hospital Dera Baba Nanak where the doctor bandaged me. The reason is that we drove them in the street. They used to forbid me to park the bicycle, because of which the accused persons beat me, that legal action should be taken against them. The statement have been recorded. True/ Madhu Confirmation SD/- Punjab Singh, ASI Police Station Kotli Surat Malli Dated 20-8-2024."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that it is a case of version and cross-version and the petitioner has also received injuries from the complainant party and the injuries attributed to the petitioner are on the non-vital parts of the body.

4. *Per contra*, learned State counsel has opposed the petition and while placing reliance upon the status report, he submits that the petitioner was armed with datar at the time of occurrence and gave two datar blows to



the husband of the complainant and one injury declared simple in nature and one declared grievous in nature.

5. Heard the rival submissions made by learned counsel for the parties.

6. There are serious allegations against the petitioner. The role attributed to the petitioner is that he was armed with *datar* at the time of occurrence and one of the injuries attributed to him has been declared to be grievous in nature. To unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case.

7. In view of the aforementioned facts & circumstances of the case as well as submissions made by learned counsel for the State, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

8. The petition is accordingly dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.11.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No