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

Sr. No.216

CRM-M-51598-2024 (O&M)
Date of decision : 12.11.2024

Gurjiinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.K. Sarwate, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.154 dated 21.09.2024, under Sections 115(2), 118(1), 333, 109, 126(2), 351(3), 191(3), 190, 324(4) & 61(2) of BNS, 2023, registered at Police Station Moti Nagar, District Ludhiana, the petitioner has preferred this petition under Section 483 BNSS, 2023 for grant of pre-arrest bail.

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

“Statement of Jaswinder Jindar son of Dahram Chand resident of House No. 50/51, Chaudhary Colony, Moti Nagar, Ludhiana, presently tenant at Sanjiv Kumar's House, Nearest at Khalsa Bakery, G.T. B Nagar, Mundian Kalan, Ludhiana, age about 34 years, Mobile: 9855202011. Stated that I am resident of abovesaid address. We three brothers. Elder from is Surinder Pal, and other's name is Tarun Jindar and I am youngest from them and I am doing business selling of milk. We have three houses bearing No. 49, 50, 51 at Chaudhary Colony, Moti Nagar, Ludhiana. My father Dharampal has given a house NO. 50/51 to me and my brother orally in the presence of Panchayat persons and has given House No. 49 to Tarun Jindar. All the

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abovesaid houses are in the name of my father Dharam Chand. My brother Surinder Pal is residing in upper portion/floor of House NO 50/51 alongwith his family and at ground floor my brothers Surinder Pal and Tarun Jindar have been tamed/kept buffalos and cows. I alongwith my family am residing on rental accommodation. I and my brother Surinder Pal said to our brother Tarun Jindar to vacate the ground floor, but Tarun Jindar did not vacate the place and he was used to say wrong wordings and in this regard Tarun Jindar had quarreled with us at many times. On dated 20-09-2024, at about 3:00, I had come at the house of my brother Surinder Pal, meantime Tarun Jindar alongwith 4-5 unknown youths entered in our house in the space of buffalos by forcibly breaking the gate. When we heard the noise of breaking the gate, we both brothers came down and saw that Tarun Jindar had sword in his hands and his companions had wooden sticks and iron rods and as soon as these persons entered in the space, they started to damage/break chairs and other household items, when I and my brother tried to stop them to do so, then Arun gave sword blow on me, then I forwarded my right hand to save me and sword hit on right thumb, due to which bleeding started and they started to beat to my brother Surinder Pal also. When we raised save us save then abovesaid persons by threatening us ran away from the spot by riding on their respective vehicles. When I and my brother by riding on Surinder Pal by riding on scootry was going to police station and when we reached near Everest School, Moti Nagar, then my brother Tarun Jindar called some more youths and they started to follow us and Tarun went back. Due to fear of beating we turned our scooter towards Sherpur side and when reached in Fauji Colon, Sherpur, then here street was closed, then persons namely Lakhwinder Singh @ Lucky resident of Bhamya road, Ludhiana [who was having sword in his hand]; Gurinder Singh @ Goldy Grewal [who was having Dattar in his hand]; Hakam Hussain @ Hakku Ali [who

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was having Gandasa] and other boy Disuja [who was having Gandasa in his hand] started to gave blows on my brother Surinder Pal with the motive kill him in the vacant plot. Due to fear I ran away from the spot. When after giving beating to my brother Surinder Pal, all abovesaid persons went away from post, then I went back and saw that was blood was oozing on ear, right hands, left arm, head and there of my brother Surinder Pal. After that I by making telephonic call to my friend Balwant Singh son of Bahadur Singh resident of House NO 56, Chaudhary Colony, Moti Nagar, Ludhiana and I with his help admitted to my brother Surinder Pal in Mohandee Oswal Hospital, Ludhiana for treatment, where my brother is under treatment and my by taking preliminary treatment got issued MLR. Grudge behind this attack is that Tarun Jindar is not vacating our ground floor's space and we were saying to him vacant the space. In this regard prominent persons of Panchayat had made understand to him, but he did not bother about this. Therefore my brother by calling abovesaid persons has got made attack on me and my brother Suridner Pal with deadly weapons. On which vehicles they have come out of these vehicles two vehicles RC Numbers are PB-10JM-1874 & PB91-8381. Legal action may be taken against my brother Tarun Jindar son of Dharam Chand, resident of House No. 49, Chaudhary Colony, Moti Nagar, Ludhiana and Lakhwinder Singh @ Lucky resident of Bhamya road, Ludhiana Gurinder Singh @ Goldy Grewal; Hakam Hussain @ Hakku Ali and Disuja. I have got recorded my statement, read it, heard it, which is correct. Sd/- Jaswinder Singh, Attested by ASI Anil Kumar-191/ld. Police station Moti Nagar, Ludhiana.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and the petitioner was not present at the place of occurrence. He further submits that the dispute was

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between three brothers and there is no evidence against the petitioner to connect him with the occurrence.

4. *Per contra*, learned State counsel has opposed the petition and stated that the petitioner along with co-accused committed the gruesome murderous attack on victim-Surinder Pal and caused severe injuries on his vital parts of body. He further submits that the petitioner was having iron datar with him at that time and there is sufficient ocular as well as medical evidence against the petitioner to connect him with the commission of offence. He further submits that in the FIR, there are specific allegations against the petitioner and the same have been further corroborated by the injured Surinder Pal in his statement under Section 180 of BNS, 2023. In view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

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

6. There are serious allegations leveled against the petitioner that he actively took part in the murderous attack on injured and caused severe injuries on vital parts of his body. 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.

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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