



CRM-M-54977-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54977-2024
Decided on : 16.12.2024

SARDOOL SINGH @ SHERA AND ANR

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Namit Gautum, Advocate
for the petitioners.

Mr. Vinay Kumar Malhotra, DAG Punjab.

Mr. A.S.Gulati, Advocate for Complainant.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.0149 dated 17.09.2024, under Sections 115(2), 118(1), 126(2), 324(4), 351(3), 191(3), 190 and Section 118(2) of BNS, 2023 registered at Police Station Division-B, District, Police Commissionerate Amritsar, the petitioners have preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.

2. The contents of the above-mentioned FIR are reproduced herein below :-

“Statement of Gurcharan Singh son of Amar Singh resident of House No. L-5/708 Street No. 4 Shaheed Udham Singh Nagar Amritsar Mobile No.98140- 19147 stated that I am a resident of the said address and my crockery shop is at Chowk Bazar No. 5 Shaheed Udham Singh Nagar Antarjami Colony. And at the distance of 5-6 shops from my shop, Sardul Singh alias Shera resident of Antarjami Colony also has a crockery shop. I keep advertising the crockery items of my shop



through social media on Instagram and I sell goods on lowest rates than market. Due to which, people buy more goods from my shop after seeing lowest price goods and the goods of my neighbor shopkeeper Shera sell less. Due to which, Shera used to abuse me and make dirty gestures while passing by my shop for the last two months. On dated 11-09-2024, it will be around 10:00/10:30 P.M, I told my son Harmanpreet Singh to take out the shop goods from the car. Then my son Harmanpreet Singh was taken out the crockery goods from my car No. PB-02-EG-3553 Marka Magnet Company, Colour white. Then Shera, Shera's son Prabh and his wife and three other unknown young boys were also came with them and Prabh was holding a gadasi type weapon made from a bicycle spare part (garari) in his hand who badly damaged my above car and when my son objected this, Prabh first hit my son with a Gadasitype weapon made of a bicycle spare part (garari) in his hand which was hit to the left side of my son's head and the second time they hit my son which hit the middle of my son's head and Prabh hit third hit on my son's waist. My son fell down on the ground in bleeding state and when I came forward to rescue my son, Shera's wife defiantly said that crockery seller Sethi has come, catch him too and have a good treatment. She took out the baseball inside of the shop and hand over it to her husband Shera, who immediately hit on my head, and I put my left hand forward for defence, the baseball hit my left hand little finger and my finger got broken. Second time hit on my left arm allbow and when I tried to defend myself 341, 427, 7, 326 and catch the baseball, he hit my left shoulder and twisted my left hand thumb violently and the three unknown persons who came with him joined him and pulled my both logs due to which my musculature got pulled and all of them together beat to my legs when I fell down and they took out approximately One and a half lakh rupees from my pocket which I had brought to buy my goods. When I loudly shouted "killed-killed" all these persons ran away from the incident place with their weapons threatening to kill me and my son Harmanpreet Singh. The reason behind rivalry is that there were crockery shops of mine and Shera. My crockery goods were sold more and his goods were sold less. Due to which, he was holding a grudge against me, as a well planned conspiracy, Sardul Singh alias Shera, his son Prabh and his wife and three unknown young boys has injured me and my son Harmanpreet Singh by beating. Till now, the most important persons have tried to get the compromise done of both our sides which could not be done. The MLR NO.02/SPS/ CHASR/2024 dated 11/9/2024 with respect to Harmanpreet Singh, issued by the doctor, has been submitted to you. By taking legal action against all of them, give justice to me and my son. The statement has been written, read and heard, it is correct. "

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3. Learned counsel for the petitioners *inter alia* submits that the petitioner No.1 has been falsely implicated in the present case and there is a delay of 06 days in registering the FIR and the petitioner is a man of clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners and submits that there are serious allegations against the petitioner No.1 and he has actively participated in the alleged offence. Short reply dated 15.12.2024 has been filed by learned State counsel in Court today. He submits that at the time of the offence, petitioner No.1 was armed with a baseball bat and inflicted six injuries on person of complainant-Gurcharan Singh, out of which one injury has been declared grievous in nature by the medical board.

5. Learned counsel for the complainant vehemently opposed the submissions made by learned counsel for the petitioners, emphasizing the seriousness of the allegations and the severity of the injuries sustained by the complainant and his son.

6. Heard the rival submissions made by learned counsel for the parties and perused the record.

7. There are serious allegations levelled against the petitioner No.1. The petitioner is alleged to have been an active member of an unlawful assembly that was armed with deadly weapons and inflicted serious injuries on the victims, one of which has been declared dangerous to life. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner No.1 at this stage.



11. **The petition qua petitioner No.1-Sardool Singh @ Shera stands dismissed.**
- 12 Learned State counsel on instructions from investigating officer submits that in compliance of order dated 06.11.2024, the petitioner No.2 has joined the investigation and is not required for any further investigation.
13. Having considered the aforesaid facts and circumstances, **the petition qua petitioner No.2-Balwinder Kaur is allowed.** Order dated 06.11.2024 passed by this Court, is hereby made absolute qua petitioner No.2-Balwinder Kaur.
14. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
15. Petition stands disposed of accordingly.
16. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
17. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

16.12.2024
Kavita

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