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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision : 20.11.2024

SHARANJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nitin Bansal, Advocate
for the petitioner.

Mr. Rubal Pawar, AAG Punjab.

KIRTI SINGH, J.(Oral)

Apprehending arrest in FIR No.67 dated 24.07.2024 under Sections 118(2), 118(1) and 3(5) of BNS registered at Police Station Raja Sansi Tehsil and District Amritsar, the petitioner has 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 Rashpal Singh son of Beer Singh, resident of Village Salempura, Police Station Raja Sansi, District Amritsar (Rural), aged about 26 years, Mobile Number 98223-30398. Stated that I am a resident of the afore-mentioned Address and doing the private work. That on dated 02.07.24, the time was about 08.30 P.M., when I along with my brother - Malut Singh after planting the Paddy of Zimindar Jarnail Singh son of Gurmej Singh, were going to our house. When we reached in the street outside the house of Major Singh son of Kartar Singh, then Sharanjit Singh son of Heera Singh armed with



Sword, Malkiat Singh son of Heera Singh armed with 'Daatar' (a falciform kitchen implement), Gurlal Singh son of Amar Singh armed with 'Daatar (a falciform kitchen implement), Arundeeep Signh son of Gurlabh Singh, empty handed, residents of Salempur came out of their house and immediately after coming there, Arundeeep Singh raised an exhortation ('Lalkara'), "catch hold of them and teach them a lesson for not allowing to apply the soil ('Mitti') on the back wall of our house". Then Malkiat Singh gave a 'Daatar'blow upon me, and this blow hit on the finger adjoining the small finger of my left hand, then Gurlal Singh gave two "Datar'blow held in his hand, upon me, one blow hit between small and other finger of my left hand and the second blow hit on my small finger, then Sharanjeet Singh gave his Sword blow upon me and to protect/ save me, I put forward my hand and this blow hit on my right hand, then my brother Malut Singh came forward to protect/ save me, then they by giving him beatings also caused injuries to him. In the mean time, my third brother Gopi also reached at the spot, who has witnessed this incident with his eyes. That my brother Gopi raised the noise/ clamour of "Killed, Killed", then all the afore-mentioned persons by hurling abuses to us, ran away from the spot along with their respective weapons. That on hearing the noise, Jarnail Singh son of Gurmej Singh also came at the spot, who by arranging the vehicle, got myself and Malut Singh in the Government Hospital, Lopoke, where the Doctor Sahib has provided treatment to me. The bone of contention is that our plot is lying vacant and this plot is situated on the backside of the house of Sharanjeet Singh. That Sharanjet Singh has repeatedly asked us to dig the earth from our plot and put the same on their wall. That Sharanjeet Singh not having space on backside, we stopped him to apply soil on the wall. That later on, myself and my brother were discharged from the Hospital. That till now, the respectable persons continued trying to execute a Compromise between us, but the same could not take place. I was coming to the Police Station to inform when you have met me, requisite legal action may be taken against



the accused and we may be granted justice. Sd/- Rashpal Singh, afore-mentioned. Attested sd/- Jasbir Singh A.S.I., Police Station: Raja Sansi, dated 24.07.2024. Police proceedings: Today I A.S.I. along with CT. Jagjeet Singh 1921, CT. Robinbir Singh 160, CT. Kulwinder Singh 815, PHG Satnam Singh 3506, on a private vehicle were present at new Adda, Raja Sansi in connection with the patrolling and in search of wicked/ evil persons, when the Complainant Rashpal Singh son of Beer Singh, resident of Village Salempura, Police Station: Raja Sansi, District Amritsar, by coming present before me, got recorded his afore-mentioned statement, which was scribed/ written by me and the same was read over word by word to him, who after admitting his statement as correct, affixed his signatures in Punjabi below the said statement, which was attested by me. Regarding this scuffle/ fight, Rashpal Singh afore-mentioned presented one M.L.R.. No. 308/PK/CHC LOPOKE/ JULY 2024 dated 03.07.2024 along with the OPINION and X-RAY before me, in which the Doctor Sahib has mentioned total 4 injuries, all the injuries were caused with blunt weapon ad the Doctor Sahib, in his OPINION has mentioned injuries Numbers: 1, 3, 4 as simple and injury Number 2 has been mentioned as 'Grievous'. That from the statement and M.L.R. and OPINION and X-RAY Reports, commission of offence under Sections 118(2), 118(1) and 3(5) of the B.N.S. has been found. For getting registered the case, the statement is being sent to the Police Station by hand through PHG Satnam Singh 3506. After registering the case, the case number may be intimated. Control Room be informed. I, A.S.I. along with the companion employees by taking along Rashpal Singh, Complainant of the case, have been proceeding at the spot. Today in the area of Nawan Adda, Raja Sanshi, at 06.00 P.M. sd/- Jasbir Singh, A.S.I., Police Station: Raja Sanshi, dated 24.07.2024. Today at the Police Station: At this time, on receipt of the afore-mentioned statement, after registering the afore-stated case under the afore-mentioned offences, the original statement along with the copy of F.I.R. are being sent to the A.S.I. at



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the spot by hand through PHG Satnam Singh 3506, who brought the same. Control Room has been informed through Wireless. Completion/ Compliance Report Number 24, dated 24.07.2024, today at 07.10 P.M."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and the injury attributed to the petitioner is simple in nature and on non-vital part of the body.

4. Per contra, learned State Counsel vehemently opposes the petition and has placed on record the status report dated 13.11.2024. He submits that, at the time of the occurrence, the petitioner-Sharanjit Singh, was armed with a sword and inflicted an injury near the right elbow of the complainant, Rashpal Singh. Initially, this injury was declared grievous in nature.

Subsequent medical opinion now clarifies the nature of the injuries as follows:

- Injuries No. 1, 3, and 4, which were kept under X-ray evaluation, are now declared simple in nature, as no underlying bony damage was detected on the X-ray films.
- Injury No. 2, however, which was also kept under X-ray evaluation, is now confirmed as grievous. The X-ray of the right elbow and forearm (film No. LPK 261, dated July 2024) reveals a fracture at the base of the olecranon process of the right ulna bone.

It is further submitted that, in light of the totality of facts and submissions above, the allegations against the petitioner, Sharanjit Singh, are serious. The petitioner caused a grievous injury to the complainant's right elbow and has been absconding to avoid arrest. The custodial interrogation of the petitioner is essential for a fair and thorough investigation, particularly for the recovery of the weapon used in the offense.

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



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6. In view of the aforementioned facts and circumstances as well as in view of the status report filed by learned State counsel and without adverting anything on the merits of the case this Court is of the considered opinion that in order to unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case.

7. The petition is dismissed.

8. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.11.2024
Kavita

(KIRTI SINGH)
JUDGE

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