

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59895-2023
Date of Decision: 10.04.2024
2024:PHHC:049628

GURWINDER SINGH

.... PETITIONER

Vs.

STATE OF PUNJAB

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Harmanpreet Singh, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Ms. G.K. Mann, Sr. Advocate, with
Ms. Simrat Kaur and Mr. Gursharan Singh, Advocates,
for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.39 dated 29.07.2023 registered under Sections 307/341/323/506/34 IPC at Police Station Mattewal, District Amritsar Rural.

2. FIR was lodged on the statement of Mohan Singh son of Ajaib Singh, whose son Rajaharnarinder Singh is Sarpanch of the village. According to the complainant, on 26.07.2023, after visiting a Gurdwara at Amritsar, he was coming back to his home at about 9-9:10 PM in his car, when he was waylaid by **Gurwinder Singh** (*petitioner herein*) and his father **Tehal Singh**, who had parked their car on the way. They were asked to move the car aside, but petitioner started abusing him. Heated arguments ensued. His (Mohan Singh's) son Rajaharnarinder Singh reached the spot on hearing the commotion. It is alleged that petitioner Gurwinder Singh took out a kirpan, whereas his father Tehal Singh took out a dang from the car. Petitioner is

alleged to have given sword blow on the face and head of Rajaharnarinder Singh and as complainant-Mohan Singh came forward to save his son, a sword blow was also given on his right hand. On hearing the commotion, his nephew Gurbinder Singh reached the spot, to whom Tehal Singh gave a dang blow. As the people started gathering, the assailants fled away.

3.1 It is contended by ld. counsel for the petitioner that petitioner has been falsely implicated. Petitioner is ex-Sarpanch of the village. He had given evidence against the complainant in case FIR No.28 of 2011 registered at Police Station Mattewal, District Amritsar Rural, under Sections 326/ 323/ 324/506/34 IPC and Section 3 & 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 [for short 'the SC/ST Act'], in which the complainant was convicted and it is because of this reason, the complainant was having grudges against him (petitioner).

3.2 Ld. counsel contends further that it is the petitioner, who was attacked and inflicted numerous injuries by the complainant and three others including his son Rajaharnarinder Singh on 26.07.2023. As many as eight injuries were caused on his person, as is evident from medico legal report. Attention is further drawn towards the fact that though the occurrence took place on 26.07.2023, at about 9-9:15 PM, but the FIR has been lodged on 29.07.2023 i.e. after three days delay. Petitioner had also made a representation to the police regarding the injuries caused to him and went there along with MLR, but no action was taken, due to which he had to approach this Court by filing CRM-M-46327-2023.

4. On 12.12.2023, it was contended on behalf of the petitioner that when father of the petitioner went to the Police Station to lodge the report

regarding the injuries caused to the petitioner, he was arrested; and when his mother went to lodge the report, she was thrown out of the Police Station. It was submitted that petitioner was afraid of approaching the police station for getting his statement recorded apprehending his arrest. This Court directed the respondent-State to record the version of the petitioner regarding the occurrence. On the next date of hearing, it was informed by ld. State counsel that in compliance of the order of this Court, statement of the petitioner had been recorded and separate FIR had been registered against the opposite party.

5. In the status report pertaining to this case, it is contended by ld. State counsel that petitioner is attributed to have given injuries by sharp-edged weapon to Rajaharnarinder Singh and that those injuries were dangerous to life, attracting Section 307 IPC. Ld. State counsel, ably supported by counsel for the complainant, also submit that injuries upon the person of the petitioner, appear to be self-inflicted.

6. Heard.

7. The MLR pertaining to the petitioner, prepared on 27.07.2023, at GMCH Amritsar, would reveal as many as eight injuries on his person, out of which four have been caused by sharp-edged weapon. The MLR pertaining to Rajaharnarinder Singh, the son of the complainant, would reveal seven injuries on his person and it has been opined by the Board of Doctors that injury No.1 was grievous in nature and rest of the injuries No.2 to 7 were cumulatively dangerous to life. The injuries had been caused by sharp-edged weapon.

8. It is no doubt true that injuries on the person of Rajaharnarinder Singh are directly attributed to the petitioner, but respondent has not been able

to convince this Court regarding as many as eight injuries caused on the person of the petitioner allegedly in the same occurrence, which fact is evident from the MLR pertaining to him. It is also pertinent to notice that the MLR of Rajaharnarinder Singh has been prepared at CHC Tarsika Amritsar on 10.08.2023 i.e. after 15 days of the occurrence. As per this MLR, patient had gone to Amandeep Hospital after the occurrence and had taken treatment from there and approached CHC Tarsika Amritsar for medico legal formalities. No record of Amandeep Hospital pertaining to Rajaharnarinder Singh has been produced by the respondent-State.

9. As it appears from the circumstances that it is a case of version and cross-version. Both the parties are having political rivalry as petitioner is ex-Sarpanch; whereas son of the complainant is present Sarpanch of the village. Besides, petitioner had deposed against the complainant in a criminal case, in which the complainant was convicted. Both the parties sustained injuries and it will be a matter of trial, as to which of the party was aggressor.

10. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, petition is allowed.

11. It is directed that in the event of arrest of the petitioner, he shall be released on bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is further directed that petitioner shall join the investigation, as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the

country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

10.04.2024

Vivek

Whether speaking/reasoned?

Whether reportable?

(DEEPAK GUPTA)

JUDGE

Yes

No