



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55924-2024
Date of Decision:11.11.2024

Gurbir Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr.Dheeraj Mahajan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.156, dated 19.10.2024, under Sections 115(2), 118(1), 351(2), 126(2), 118(2) and 3(5) of BNS,2023, registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1).
2. The FIR in the present case was registered on the basis of stateement of Mohinder Singh son of Charan Singh and the same has been reproduced below:-

“Statement of Mohinder Singh son of Charan Singh resident of Bath Wali Gali, House No.251/16, Gurdaspur aged about 70 years, Mobile No.98144-63329. Stated that I am a resident of the abovesaid address and I have retired from Irrigation Department. My children are living abroad and I am living with my wife Simratbir Kaur at home. On 08.10.2024, I had gone to the nearby

Gurudwara Sahib to pay obeisance. After the bhog when I was coming back to my home at about 7:40/8AM, then I reached near my house and saw behind that my neighbour Gurbir Singh son of Lakhbir Singh resident of Bath Wali Gali, Gurdaspur is following me. On seeing him, I went to my house but Gurbir Singh stopped my way and said that you give evidence against me, today you will be taught a lesson. In the meantime, two unknown persons also came near Gurbir Singh and Gurbir Singh started scuffling with me and pushed me and fell me down. All of them started giving me beatings. In the meantime, Gurbir Singh pulled out a sharp edged weapon like kirch from behind and tried to hit the same on my head but I raised my left hand to stop him and the blow hit on the little finger of my left hand and blood started flowing. Then Gurbir Singh and two unknown persons caused me internal injuries on my left shoulder, both sides of waist, nose, right shoulder, hand, left knee and leg. I raised cries upon which my wife Simratbir Kaur came out of the house and ran towards me to save me. Then Gurbir Singh also pushed my wife. In the meantime my neighbor Inderjit Singh son of Bachan Singh came to the spot and tried to save me but Gurbir Singh abused him. During this scuffle, the earring of my wife fell down. Then people gathered at the spot and Gurbir Singh alongwith two unknown persons fled away while threatening me. The bone of contention is that Gurbir Singh had harassed my daughter regarding which my wife got registered FIR No.63/ 2020 and 99/2023 against him, which are pending in the Court and I am witness in these cases. He is on bail. Gurbir Singh son of Lakhbir Singh has attacked me and caused me injuries. Legal action be taken against him. Statement has been got recorded, has been heard, is correct. Sd/ Mohinder Singh, attested Sd/- Ranbir Singh ASI, PS City Gurdaspur. Dated 9.10.2024”.

3. Learned counsel for the petitioner contends that the petitioner and the complainant are neighbours. He further contends that the petitioner had got

registered one FIR No.155, dated 19.08.2021, under Sections 452, 427 and 506 of IPC, Police Station City Gurdaspur, District Gurdaspur against the opposite party and due to this, the opposite party was already inimical towards him. As per him, on 08.10.2024, the complainant party had beaten up the petitioner in the street and the petitioner had immediately moved a complaint to the police, seeking legal action against the complainant and his accomplices. Even as per his MLR (Annexure P-3), he had suffered five injuries on his person. After a delay of about 11 days, by coining a false version, the complainant had got the present FIR registered against the petitioner and others. He further contends that as per the complaint, the petitioner is attributed a blow with Kirch (big knife) on the little finger of the left hand of the complainant and it is highly improbable that only with a single Kirch (big knife) blow, the complainant had suffered amputation of the finger. He further contends that the injury had been fabricated on his little finger with a friendly hand and due to medical negligence, the finger had to be amputated.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner. Learned counsel submitted that the petitioner is a habitual offender and was also involved in two more FIRs i.e. FIR No.63/2019, under Section 354 of IPC, Police Station City Gurdaspur, District Gurdaspur and another FIR No.99/2022, under Section 354 of IPC, Police Station City Gurdaspur, District Gurdaspur. Learned counsel further submitted that sufficient evidence has been collected during the course of investigation against the petitioner and the petitioner had given a blow with Kirch (big knife) on the little finger of left hand of the complainant, which led to the amputation of the

little finger. Even the weapon of offence i.e.Kirch (big knife) is yet to be recovered from the present petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. From the allegations levelled by the complainant in the present case, it is apparent that the petitioner has been assigned a specific role and as per the complainant, the petitioner had taken out a Kirch (big knife) and tried to hit on his head, however, when the complainant raised his hand to save himself, the blow landed on the little finger of left hand and which finally resulted into amputation of finger of left hand. At this stage, keeping in view the serious allegations levelled against the petitioner, the custodial interrogation of the petitioner is imperative and there is no ground to grant any discretionary relief of anticipatory bail to the petitioner and the same is hereby accordingly,ordered to be dismissed by this Court.

11.11.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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