



CRM-M-55909-2024

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

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Date of Decision : November 11, 2024

ANIL KUMAR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., a prayer is made for grant of anticipatory bail to the petitioner, in cross case bearing G.D. No.29 dated 17.07.2024, under Sections 109, 115(2), 118(1), 351(2), 351(3), 191(3), 190, 118(2), 117(2) of the B.N.S., and, Sections 25/27 of the Arms Act, P.S. Qadian, Police District Batala, District Gurdaspur, registered in FIR No.47 dated 15.07.2024, under Sections 109, 115(2), 118(1), 351(2), 351(3), 191(3), 190, 118(2), 117(2) of the B.N.S., and, Sections 25/27 of the Arms Act, P.S. Qadian, Police District Batala, District Gurdaspur.

2. In his beseeching the relief of anticipatory bail for the petitioner, the learned counsel representing him submits that, in fact, it is a case of version and cross version. Initially, the FIR (supra) was got registered by the petitioner, whereupon, the cross case (supra) was got

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registered after a delay of 03 days, and therefore, the cross case is the result of concoction and premeditation.

3. The learned counsel for the petitioner further submits that, in fact, when the petitioner has himself suffered number of injuries, including gunshot injuries, therefore, it is highly improbable that the petitioner would have caused any injuries to others.

4. This Court has heard the submissions made by the learned counsel for the petitioner and also perused the record.

5. Succinctly stated, the cross case (supra) has been registered on the statement of one Safran son of Surinder Kumar. The relevant extract of his statement, as narrated in paragraph No.2 of the order dated 25.10.2024, whereby, petitioner's anticipatory bail application has been dismissed by the learned Additional Sessions Judge concerned, is reproduced hereunder:-

"2..... It is stated by Safran son of Surinder Kumar that on 14.07.2024, at about 10 PM, he alongwith his brother Smile and Arjan Bhatti son of Mangat Ram were strolling in the locality. Then they paused near peepal tree where Rohan, Prince, Saim, Raja, Harman were also standing and the search lights installed there were on. Then in the meanwhile, Rakesh Kumar armed with baseball bat, Ashok Kumar armed with danda, Harman Gill armed with Danda, Pran Nath armed with baseball bat, Anil Kumar armed with pistol, Himanshu empty handed and Kawalpreet Singh armed with pistol and 4/5 unidentified young men came and Anshu raised lalkara and exhorted that they be taught lesson for making altercation with them on 12.07.2024. Thereafter, the aforesaid assailants with their respective weapons caused injuries upon complainant (Safran). The details of the injuries on account of cross version case was registered as under:-



Name of Accused	Armed with/ Weapon used	Injury attributed	Nature of Injury/ Following under
XX	XX	XX	XX
Anil Kumar	Pistol	6. (Left Knee) A lacerated penetrated wound measuring 1 x 1 cm on posterolateral surface of left leg with averted edges and regular margins, 15 cm below left knee joint. Blackening present	109 of BNS
Anil Kumar	Pistol	7. (Left Leg) A lacerated penetrated wound measuring 0.5 x 0.5 cm on posterior surface of left leg with averted edges and irregular margins 6 cm from injury No.6.	109 of BNS

6. Perusal of the above clearly depicts that, specific gunshot injuries have been attributed to the petitioner. *Prima facie*, this Court is of the view that, it is a case of free fight, where both the parties caused injuries to each other, which include gunshot injuries also. Although the petitioner has also suffered gunshot injuries, but, what is also a matter of concern is that, he also inflicted gunshot injuries upon complainant Safran.

7. It would also be apt to record here that, one Ismile @ Smile had also approached this Court, through filing CRM-M-47792-2024, thereby seeking the relief of anticipatory bail in the FIR (supra), which has been registered at the instance of the petitioner, however, the said relief did not granted to him.

8. Consequently, taking into account the gravity of the offences, coupled with the specific attribution of injuries to the petitioner, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the



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petitioner.

9. In summa, the instant petition is **dismissed**.

November 11, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No