

2024:PHHC:159915



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

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**CRM M-57235 of 2024
Date of Decision: 26.11.2024**

Mukhtiar Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Suvir Sidhu, Advocate
for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant the anticipatory bail to him in FIR No. 45 dated 12.05.2024 under Sections 341, 323, 506, 148 and 149 of IPC (Sections 307 and 325 of IPC added later on and Section 308 IPC deleted) (Annexure P-1) registered at Police Station Arniwala, District Fazilka.
2. The FIR in the present case was registered on the basis of the statement made by Sukhdev Singh son of Mahinder Singh and the same has been reproduced as under:-

“Statement of Sukhdev Singh Son of Mahinder Singh resident of Pakkan aged about 51 years, M. N. 89680-15430, stated that I am resident of above said address and agriculturist by profession. That on 10.05.2024, time around 8.1/2 PM in the night, I, riding on my tractor ford went to my grandfather's son Rajwinder Singh son of Balwinder Singh resident of Pakkan to bring his cultivator from his fields. When I was reached near the fields of Rajwinder Singh then Bhagwan Singh son of Baldev Singh resident of Pakkan came out from the guava garden of Jagtar s/o Puran Singh resident of Pakkan, who while raising lalkara said that today catch the Sukhdev Singh and teach him a lesson to help his paternal uncle's son Rajwinder Singh. Lights of my tractor was lit, then Bhagwan Singh son of Balbir Singh having Dang, Satnam Singh son of Balbir Singh having Kirpan, Mukhtiar Singh son of Ajit Singh having Kirpan, Rajwinder Singh son of Gurmej Singh having Kirpan and Surinder Singh @ Kala having kappa and 2/3 unknown persons resident of Pakkan. Above said Bhagwan Singh gave two consecutive blow of his dang, first was hit on below the elbow of my right arm and second was on the above of palm of my hand. Balbir Singh gave blow of his Kirpan which was hit on my left shoulder. Then Mukhtiar Singh gave blow of his kirpan which was hit on left side of my head, then above said Rajwinder Singh gave blow of his kirpan which was directly hit my nose, then Surinder Singh @ Kala gave blow of his kappa which was hit on my thumb of left hand. Then unknown persons gave fists blow on my different parts of the body and all above said abusing

me, then I shouted martamarta then my paternal uncle's son Rajwinder Singh came who also raised raula. Then above said persons ran away from the spot with their respective weapons. Cause of grudge is that above said Rajwinder and above Bhagwan Singh has adjacent land and Rajwinder Singh was not cleaning the channel (Khal), due which respectable people had gathered in which I also went. Due to which they held grudge against me that you helped above said Rajwinder Singh. Due to which they gave injuries to me, then my paternal uncle's above said Rajwinder Singh got arranged vehicle and got admitted me at Civil Hospital Fazilka for treatment, where due to my severe pain, doctor sahib after giving first aid referred me to the GGS medical college and Hospital Faridkot for treatment. I am claimant, action should be taken”.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He contends that even the petitioner has not been attributed any motive to attack the complainant and rather the motive was attributed to Bhagwan Singh, co-accused, who had a dispute with cousin of the complainant in relation to a water channel. In reality, the complainant party had attacked Surinder Singh @ Kala in his fields and a cross version in the shape of GD No. 34 dated 12.05.2024 (Annexure P-3) was registered. Still further, it has been falsely alleged that the petitioner had caused an injury with a sword on the head of the complainant whereas as per the MLR (Annexure P-4), the said injury was caused by a blunt weapon. He has further referred to the orders (Annexure

P-5 to P-8) passed by this Court, whereby, co-accused Bhagwan Singh, Satnam Singh, Surinder Singh @ Kala and Rajwinder Singh have been granted the concession of anticipatory bail by this Court. Learned counsel further contends that a civil litigation is also pending between the parties and the FIR has been got registered by the complainant, just to pressurize the accused to get the matters compromised between the parties.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner by submitting that the petitioner had inflicted a blow with a sword on the left side of the complainant. He further contends that the injury No. 1 as mentioned in the MLR of Sukhdev Singh, complainant on his head is attributed to the petitioner and the said injury has been declared as grievous as well as dangerous to life. Thus, the allegations qua the petitioner are very serious and the present petition deserves to be dismissed by this Court.

5. I have heard the rival submissions made by learned counsel for the parties at length and perused the record.

6. In the present case, the petitioner had attacked with a sword on the head of Sukhdev Singh, complainant, which resulted into a fracture. The doctors have already declared the said injury on the head of Sukhdev Singh to be grievous and dangerous to life. Only, the injury caused by the petitioner has been declared to be dangerous to life whereas the injuries attributed to other co-accused were either

simple or grievous and that too on non vital parts of the body of the complainant. Thus, keeping in view the gravity of the allegations, the petitioner is not entitled to the discretionary relief of anticipatory bail. Still further, the weapon of offence, i.e., the sword is yet to be recovered from the petitioner and his case is clearly distinguishable from the case of his co-accused Bhagwan Singh, Satnam Singh, Surinder Singh @ Kala and Rajwinder Singh.

7. Thus, finding no merits, the present petition is ordered to be dismissed.

26.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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