

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.57999 of 2024  
Reserved on: 03.12.2024  
Pronounced on: 17.12.2024

Rajwant Singh @ Kaku ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.K. Dhot, Advocate for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Aminder Singh, Advocate for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station             | Sections                              |
|---------|------------|----------------------------|---------------------------------------|
| 89      | 05.09.2024 | Khanauri, District Sangrur | 331(6), 115(2), 351(2), 351(3) of BNS |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 5 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“the brief facts of case/FIR No. 89 dated 05.09.2024 u/s 331(6), 115(2),351(2), 351(3) of BNS 2023 P.S. Khanauri are that, the present FIR was registered against Rajwant Singh @ Kaku son of Tari Singh resident of Dera Mandvi, P.S. Khanauri on the basis of statement of Gurcharan Singh son of Puran Singh resident of Mandvi, P.S. Khanauri, District Sangrur with the allegation that, on 02.09.2024, at about 09.30 P.M., he along with his wife namely Manjinder Kaur, his daughters and son were present inside the room of his house. They were talking to each other, meanwhile Rajwant Singh alias Kaku, who was under influence of liquor, came there. He was holding Kirch (sharp edged knife) in his hand and asked him that he will take the share in the agricultural land as he also has share in it. He gave a blow of Kirch in his right eye and gave a blow of its handle on his forehead. He and his family members raised hue and cry, then his neighbours started gathering there. On seeing the gathering, he along*

*with his Kirch fled away from the spot. His neighbourer got him admitted in Rajindra Hospital, Patiala, from where he was referred to PGI, Chandigarh. On the basis of said statement of Gurcharan Singh present FIR was registered against above Said Rajwant Singh @ Kaku.*

**3.** *That during the investigation rough site plan of the place of occurrence was prepared. Statements of witnesses u/s 180 BNSS were recorded. In MLR No.SB./257/2024 of Gurcharan Singh, 2 injuries as blunt and kept under observation were reported. On 26.11.2024, report regarding nature of injury on the person of Gurcharan Singh was obtained and the doctor reported as under:*

***"After going through medico legal report vide MLR no. MLR/SB/257/2024 dated 03.09.2024 and attested photocopy of clinical record of Rajindra Hospital Patiala vide CR no. 48313, showing date of admission 03.09.2024 and date of referral 04.09.2024. NCCT hear and face report dated 03.09.2024 done by Dr. Antarjot Kaur, Junior resident of Department of Radiodiagnosis, RH Patiala showing fracture of floor and medial wall of right orbit seen, fracture of right nasal bone and bony nasal septum seen, fracture of interior and medial wall of right maxillary sinus seen.***

***Opinion:***

***Nature of injuries as per available records:***

***injury number 1 is grievous in nature.***

***Injury number 2 is simple in nature. "***

*On the basis of injury No. 1, declared as grievous in nature, offence u/s 117(2) BNS was added vide DDR No. 31 dated 28.11.2024. Accused Rajwant Singh @ Kaku could not be arrested, as he is absconding and evading his arrest."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the bail petition:

*"*

Para 3 (II) page 5 of bail

7. It would be appropriate to refer to the following portions of the reply:

***"6. A. ROLE ATTRIBUTED TO THE PETITIONER***

***RAJWANT SINGH @ KAKU***

***The present FIR was registered against accused/petitioner Rajwant Singh @kaku (by name) on the basis of statement of Gurcharan Singh. It was duly substantiated that on 02.09.2024, at about 09.30 P.M., Rajwant Singh @ Kaku under the influence of liquor came to the house of complainant holding a Kirch in his hand and gave its blow on his right eye and also gave a blow of its handle on his forehead and on account of severity of blow of eyeball of the injured***

*came out of its slot. So, the petitioner has played a specific role in the commission of present crime.”*

8. The petitioner has been explicitly named. He had a motive, and his act was so cruel that his eye came out of the socket, which shows that he acted with cruelty.
9. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.<sup>1</sup> The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.
10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

17.12.2024  
Sonia Puri

Whether speaking/reasoned: Yes  
Whether reportable: No.

<sup>1</sup> In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].