



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

103

CRM-M-59106-2024

Date of decision: 27.11.2024

Gurdeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.S. Virk, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C./482 of the BNSS in case FIR No.883 dated 12.11.2023 under Sections 147, 148, 149, 323, 324, 341, 506 of the IPC (Section 326 of the IPC added lateron), registered at Police Station Civil Lines, Sirsa, District Sirsa.

2. Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents and has been falsely implicated in the present case. It has been further submitted that even otherwise the only role attributed to the petitioner is of having inflicted a simple injury on the person of the injured.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by submitting that the



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petitioner was part of an unlawful assembly; they came to the spot armed with lethal weapons and thereafter launched unprovoked attack upon the injured with weapons that they were carrying. It has been submitted that the petitioner has been attributed a grievous injury on the hand of the injured/complainant. It has still further been argued that the injured received as many as seven injuries out of which four were declared to be grievous in nature.

6. I have heard learned counsel for the parties and perused the relevant material on record including the FIR in question which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

*“Statement of Manpreet son of Mahender Kumar r/o village Kussar, District Sirsa, Mob.83070-87300, stated that I am resident of above mentioned address and is studying polytechnic. On 08.11.2023 at about 6-00 P.M. when I was going towards my Bus at Bus Stand, Sirsa, for going to my village, 6/7 boys came there and stopped me. Sunny son of Bhajan Lal r/o Dudiawali, gave a 'kapa' blow on my head, Sukha Singh r/o Sant Nagar gave a 'kapa' blow on my left hand, Rajesh s/o Dalbir gave a 'kapa' blow on my right leg and **Gurdeep Singh** gave a 'kapa' blow on my right hand. Thereafter, I had fallen on the ground. While I was lying on the ground, Sunny gave a 'kapa' blow on my left hand, Rajesh gave a 'kapa' blow on my left hand. There were 2-3 persons whose names I do not know, who kicked and punched me. When the assailants were hitting me, my I-Phone XF having SIM No.9817815557 had fallen. I do not know either the assailants or someone else had taken my phone. Then I raised alarm 'Maar Ditta-Maar Ditta', on which several persons gathered on the bus stand and on seeing them all the assailants ran away from the spot while hurling threats to kill. Today you have saved, if you will meet us in future, we will kill you. At the same time, the passer-bys took me at Civil Hospital, Sirsa, where my father Mahender Kumar S/o Sh.Krishan Lal got admitted me at Civil Hospital, Sirsa. Due to multiple injuries, the doctor sahib referred me. Then my father got admitted me at Paras Hospital, Sirsa. Legal action may kindly be taken against all the boys who have inflicted injuries to me. Yesterday on 11.11.2023, I couldn't record my statement due to injuries,*



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pain and under the influence of sedation of medicine. Today I am conscious, I have recorded my statement to you, read over it, which is correct. Sd/- LTI Manpreet, attested by ASI Satyawar, PP Bus Stand, SRS, dated 12.11.2023 -x-x-x”

7. Prima facie, there are specific and serious allegations levelled against the petitioner, who was part of an unlawful assembly which launched an unprovoked attack upon the injured/complainant, of having inflicted a grievous injury on the hand of the complainant. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.11.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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