



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CRM-M-59079-2024

Date of decision: 26.11.2024

Gagandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.51 dated 30.04.2024 under Sections 307/325/323/341/427/148/149 of the Indian Penal Code, 1860, registered at Police Station Sadar Bathinda, District Bathinda.

2. Learned counsel for the petitioner submits that the occurrence in question took place on 17.04.2024 and a statement was indeed recorded by the police on 18.04.2024, however, it was only on 30.04.2024 that the FIR in question came to be registered. While drawing the attention of this Court to the allegations levelled in the FIR, which has been reproduced in the body of the petition, it has been argued by learned counsel that the petitioner has been attributed only iron rod injuries on the non-vital part of the person of the complainant and other grievous injuries including injuries which were declared to be dangerous to life have not been attributed to him but to the co-accused.



CRM-M-59079-2024

A prayer has, therefore, been made in the aforementioned facts and circumstances, to extend the concession of anticipatory bail.

3. I have heard learned counsel for the petitioner and perused the relevant material on record, including the FIR in question which stands reproduced hereinunder:-

*“Statement of Jaskaran son of Baldev Singh resident of Kot Shamir District Bathinda, aged about 27 years. Mobile no. 7009309253. Stated that I am resident of above said address. I am doing agriculture. On dated 18.04.2024, while under treatment, I have recorded my statement before Assistant Sub Inspector Jarnail Singh of Police Post Kot Shamir. At that time, I had suffered multiple injuries and I was nervous and was under influence of medicine. I could not record my statement at that time with full details. Now I am feeling better and I came to the police post to record my statement. I intends to state that on dated 17.04.2024 it will be 7 PM that I alongwith Gurpreet Singh son of Sukwinder singh and Amninder Singh son of Resham Singh resident of Kot Shamir were on tractor 5911 and were going to fields where harvesting combine was working and tractor was being driven by Amninder Singh and were going from fields to patrol pump for filling patrol. **Gagandeep Singh, Raju Singh sons of Dharam Singh, Harjit Singh son of Manjit Singh, Akash son of Dara Singh and Labbi son of Kewal Singh** all residents of Kot Shamir and 3/4 other unknown persons were standing on the road side. While we were going on tractor, they have surrounded us. They were armed with iron rods, wooden sticks and weapons. Harjit Singh has given blow of his iron rod, which is fitted with cycle chain and it was hit on the steering of the tractor. Consequently, the tractor gone imbalance and over turned on the road. We were fallen on the road and came underneath the tractor. They all have caused damage to the tractor with their weapons. Then Harjit Singh with intention of killing me given blow of his iron rod fitted with chain. I have raised my left arm ahead to save me and the iron rod hit at my left arm. The bone of my arm was broken. Then Akash given blow of iron rod at my head with intention of killing. I have raised my left arm to save me and it was hit at my left arm and the bone of my arm was broken. **Gagandeep Singh** given blow of his rod at below the knee of my left leg. Then Harjit Singh given another blow of rod and it was hit near my left knee. Then **Gagandeep Singh** given blow of iron rod and it was hit at*



CRM-M-59079-2024

my right thigh. The second blow was hit below the knee of my right leg. Then Harjit Singh given blow of iron at my left hand and it has caused damaged to my little finger. Then the unidentified persons of Gurpreet Singh given blow of their wooden danda at my left arm, which was hit near the elbow of my left leg. Akash has given blow of his iron rod on the head of Amninder Singh with intention to kill him, which have been hit on the right side of his head, left shoulder, left arm and near the elbow of left arm. Then all the above said persons given beatings to us collectively. We have raised noise marta marta and the persons passing nearby were gathered at there. Then all the persons ran away from the spot. Then my uncle Jasparan Singh arranged vehicle and got us admitted in Civil Hospital Bathinda. Where I have got treatment. Because the bones of my both arms have been broken and therefore surgery thereof has been done. Amninder Singh have got 18 stitches on his head. The above said persons in connivance with each other have inflicted injuries to with intention of killing. The reason behind the grudge is that earlier quarrel took place with them and the panchayat had interfered and affected compromise. After that as and when they used to meet us and used to given threats to us that they will teach lesson to us. So they have surround us and attacked us with intention of killing, inflicted injuries and caused damage to tractor. Legal action be taken against the.. I have recorded my statement, which has been read over and is correct. Sd. Jaskaran Singh.”

4. It transpires from a perusal of the FIR that the complainant along with two others while going on their tractor were waylaid by all the accused, including the petitioner, who were armed with lethal weapons; without any provocation the complainant party was attacked resulting in the tractor turning turtle. The complainant party came beneath the tractor. The accused party including the petitioner thereafter collectively inflicted multiple injuries on the person of all the three persons, including the complainant, as a result of which the complainant was hospitalized which seemingly was the reason behind the delay in the lodging of the FIR as he was under the influence of



CRM-M-59079-2024

medicines and unfit to make any statement.

5. *Prima facie*, it indeed comes across as a premediated attack wherein even after the complainant party came beneath the tractor, the accused party, including the petitioner, continued to inflict multiple injuries on the person of the complainant party which also finds corroboration from the medical evidence. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. The instant petition stands dismissed accordingly.

6. 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.

26.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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