



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

CRM-M No.59369 of 2024
Date of decision: 28th November, 2024

Amanpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raj K. Arya, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 482 BNSS in case FIR No.0050 dated 24.09.2024 under Sections 333(1), 118(1), 115(2), 191(3), 190, 303(2), 61(2) of BNS, 2023 registered at Police Station Bhaini Mian Khan, District Gurdaspur.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner on account of his cousin's strained relations with her husband i.e. the complainant. It has still further been submitted that though the allegations levelled in the FIR in question are false and fabricated, however even otherwise the only role attributed to the petitioner is of having inflicted a blow with an axe on the rear side of head of the injured/complainant, which injury was found to be simple in nature. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner deserves to be

extended the concession of anticipatory bail, more so, when he is willing to join investigation and cooperate with the Investigating Agency.

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

*“Statement of Baljinder Singh @ Raju S/o Parsan Singh, r/o Jhanda Lubana, age about 46 years, Mob. No. 89680-42421, stated that I am r/o above said address and runs a shop in my village and also do agriculture work. On 23.09.2024, I was sleeping in my room at my house, Time would be 03:35 PM that my aunt-in-law's son Pawanpreet Singh S/o Lakha Singh armed with Dattar and **Amanpreet Singh** S/o Babba Singh armed with Axe r/o Balarwal P.S Shri Hargobindpur and with them 3 more persons in Nihang Singha attire who armed with Sticks and with iron rod and who on coming started to abusing me and my aunt-in-law's son Pawanpreet Singh raised lalkara that today we will teach you lesson. Meanwhile, Pawanpreet Singh given Dattar blow on me in order to rescue myself, I raised my left arm then blow of Dattar struck on my left hand elbow. Then **Amanpreet Singh** given blow of Axe from its reverse side which hit on backside of my Head, then the unknown person given Dattar blow upon me which hits on my back. Then other unknown person in Nihang Singh attire given iron rode blow upon me which hit me my little finger of right hand. Then other unknown persons given punch blow and dragged me here and there and stolen my mobile phone brand POCO color black which was lying on my bed and Rs. 3500/- kept in the cover of the mobile (7 Indian notes of 500) and stolen the DVR of the CCTV camera from*

*my house. I can recognize the unknown persons in case they come in front of me. I raised hue and cry then our neighbor Gurdeep Singh S/o Ajit Singh and Sodhi S/o Mahinder Singh r/o of Jhanda Lubana reached at the spot, then after seeing them, the accused persons ran away from the spot along with their respectable weapons in Car Bolero colour White parked outside street in which a driver was already present. Gurdeep Singh and Sodhi arranged a vehicle and got admitted me to Civil Hospital Bhaini Mian Khan where Doctor bandaged me and issued my MLR. Grudge of dispute is that for a long time ago I had a domestic dispute with my wife Manjit Kaur D/o Baldev Singh r/o Kapura. On 21.09.2024, I was sitting on my shop my brother-in-law Gurcharan Singh, Pawanpreet Singh and **Amanpreet Singh** who are sons of my aunt-in-law and 3 unknown persons who were in Nihang attire came and abused and threatened me to kill. I left the spot immediately. This incident was done by my wife Manjit Kaur, brother-in-law Gurcharan Singh S/o Baldev Singh r/o kapura with in connivance with each other.”*

4. A perusal of the allegations levelled in the FIR in question reveals that it was a premeditated attack carried out by all the accused including the petitioner, who has been specifically named in the FIR in question; the petitioner and the co-accused were armed with lethal weapons. The petitioner, on coming to the place of occurrence, which is none other than the house of the complainant, launched an attack as a result of which the injured received multiple injuries on his person, for which he was promptly removed to the hospital and medico-legally

examined as well as treated. It transpires that the injured remained hospitalized for as many as seven days.

5. The contention of the learned counsel that only simple injuries have been attributed to the petitioner, would not come to his rescue in view of the seat of injury on the person of injured Baljinder Singh, which is his head, coupled with the fact that the co-accused were armed with Datar with which the injured was also inflicted injuries. It also transpires from the material on record that the ocular testimony prima facie finds due corroboration with the medical evidence of the injured/complainant.

6. 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 petition, as such, is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2024
rps

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