



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-2879-2025

Date of decision: 05.02.2025

Satish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karan Garg, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.172 dated 09.12.2024 under Sections 296, 332(c), 115(2), 118(1), 118(2), 351(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Nangal, District Rupnagar.

2. Learned counsel appearing for the petitioner contends that the petitioner is a victim of false implication in the present case and he has been levelled baseless allegations of having inflicted an injury with a *gandasi* on the head of Balwinder Kaur; in fact it was the complainant party which had attacked the mother and brother of the petitioner and thereafter inflicted multiple injuries on their person. It has also been submitted that in the FIR contrary versions have come forth as on the one hand it has been alleged that the petitioner was carrying a sharp



edged weapon at the time of the alleged occurrence, however, subsequently in the later part of the FIR it has been alleged that it was co-accused Ashwani Kumar who had hit the head of Balwinder Kaur with a sharp edged weapon. It is argued that falsity of the allegations finds further credence from the MLR wherein it stands reflected that the complainant had sustained simple injuries with a blunt weapon whereas the petitioner, on the other hand, has been attributed injuries with a sharp edged weapon which is contrary to the MLR.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR in question which stand reproduced hereinunder:-

*“Copy of rapat "Rapat No. 29 Dated 05.12.2024, time 06-45 PM it is recorded that at this time I SI along with fellow officials after obtaining the statement of injured Ashok Kumar son of Joginder Pal resident of Village Darohli Uppar, Police Station Nangal, District Rupnagar aged about 44 years, M.No. 98726-98030 from BBMB Hospital Nangal have returned to the Police station. Contents of the statement are as follows, "Stated that I am resident of above mentioned address, we are 2 brothers. I, my brother's name Narinder Pal, who has gone abroad. Yester on 4.12.2024, was in my village Darohli Uppar itself then at about 1 O' clock, I in my field, I was leveling my land in. the field with the machine, I heard lot of noise towards my locality. When I went towards the same then in the house of Dharampal son of Bhola Nath, **Satish Kumar @ Laddi**, Ashwani Kumar sons Avtar Chand, Kamaldev his wife Reshma Devi, Kamaldev's daughter Nisha Devi and **Satish Kumar @ Laddi's** wife Sonia, by entering in the house of Dharampal were abusing him in loud voice and were loudly saying that pick the bricks from our land. During this, **Satish Kumar @ Laddi** hit some sharp thing in the head of Balwinder Kaur mother of Dharampal, due to which she was injured. In order to take the injured to the hospital, I telephonically called Narinder Singh son of Kashmir Singh, when we were waiting on the road for*



vehicle, these persons again attacked Balwinder Kaur and her daughter-in-law (Nuh) Rozy, during the attack on the road, Manjit Kaur wife of Avtar Chand was also involved. When I when to rescue them while running then these persons also attacked me. **Satish Kumar** @ Laddi gave a blow with gandasi on my head and during this fight, Ashwani Kumar son of Avtar Chand was having kirch type pointed thing in his hand, who again attacked on the head of Balwinder Kaur, due to which Balwinder Kaur was more injured and fell down and became unconscious and we by putting her in the vehicle of Narinder Singh along with me were got admitted in BBMB Hospital. In this fight, due to suffering injuries in my head and on the head of my aunt (chahi) balwinder Kaur wife of Bhola Nath and on both the arms of Rozy wife of Dharampal, she is also admitted in BBMB Hospital Nangal. All of us for treatment were taken by Krishan Kumar son of Subhash Chand, Sita Devi wife of Subhash Chand, Vivek Rattan son of Prem Kumar, who were present on the spot, who rescued us from them and for treatment by making arrangement of private vehicle got admitted in BBMB Hospital Nangal. Reason behind the grudge is that there is our case with them regarding the land pending in the Hon'ble court and with SDM Nangal. Due to this grudge, by making excuse to me of leveling the land, in collusion with each other with deadly weapons by attacking on us, have injured us. Appropriate legal action be taken against them. Got written the statement, heard it, which is correct. Sd/- Ashok Kumar attested statement sd/- Rozi Rozy wife of Dharampal resident of Village Darholi Uppar Police Station Nangal, attested RTI Balwinder Kaur wife of Bhola Ram, resident of Village Darholi Uppar, Police Station Nangal 90411-04863. Attested sd/-Balvir Singh SI Police Station Nangal, District Rupnagar.”

4. It has been submitted by the learned State counsel that there are no contradictory allegations levelled in the FIR in question. Rather, there are specific allegations against the petitioner of having actively participated in the crime in question. Learned State counsel, on instructions, has submitted that the petitioner was armed with a sharp edged weapon i.e. a *gandasi* with which he inflicted a blow on the head of Balwinder Kaur leading to serious injuries on her head; the said



CRM-M-2879-2025

~~-4-~~

injury was opined to be grievous in nature and with a sharp edged weapon and thus, the allegations levelled in the FIR stood fully corroborated with the medical evidence on record.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has not only been named in the FIR in question but there are specific allegations levelled against him of having actively participated in the crime in question after entering into the house of the complainant and on account of the injuries sustained by Balwinder Kaur, she suffered serious injuries on her head and was rendered unconscious. Soon after the occurrence in question she was removed to the hospital where she was then medico legally examined.

7. In the facts and circumstances as enumerated hereinabove and in view of the role and allegations levelled against the petitioner, this Court does not 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.

05.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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