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

CRM-M-14454-2025

Date of Decision:25.03.2025

VIJAY KUMAR ALIAS VIJAY

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Ramandeep Kaur, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.2, dated 02.01.2025, under Sections 331(6), 118(1), 118(2), 115(2), 351(2), 191(3), 190 of BNS 2023, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Kala Singh and the same has been reproduced below:-

“Statement of the Complainant: I, Kala Singh, son of Bhajan Lal, son of Ramditta, resident of Chandigarh Basti, within the jurisdiction of Mandi Ladhuka, aged approximately 38



years, mobile number 99144-29034, stated that I am a resident of the aforementioned address and work as a laborer. On 29 December 2024, approximately 10:00 PM, I was sleeping in a room inside my house along with my mother. Suddenly, I heard abusive language being shouted from the courtyard. Upon opening the door and stepping outside, I saw that Vijay armed with Kapa, Prahlad armed with Kapa (son of Ramdas), Akash armed with Kapa (son of Vijay), Jagpal armed with Kapa (son of Ramu), and 4-5 unidentified individuals were inside our house, armed with sticks and rods. Seeing me, Vijay shouted to his accomplices, "Catch him! He should be taught a lesson for not supporting our party's candidate in the Sarpanch elections." Immediately, Prahlad @ Sunny attacked me with a sharp weapon, which struck my head. Jagpal then attacked me with his weapon, which hit me directly on my nose. Vijay also struck me with his weapon. When my mother, Mani, tried to protect me by raising her right hand, she was also hit directly on her hand. We started screaming for help. Hearing our cries, my maternal uncle Lachhman Das (son of Billu Ram), my aunt Rekha, and their son Komal rushed to rescue us. However, all the assailants attacked them as well with their weapons. They also dragged and assaulted my mother Mani and my aunt Rekha. During the assault, Akash hit me on the right side of my face with the handle of his weapon. We continued to shout for help, and as the neighbors began gathering, the accused fled from the scene along with their weapons. While leaving, they threatened us, saying, "You got saved today, but we won't spare you next time." Subsequently, my maternal aunt Sita arranged transportation and admitted us to CH/FZK Hospital for medical treatment. The doctor there provided first aid to me and my aunt Rekha and referred us to Guru Gobind Singh Medical College, Faridkot. My maternal uncle Lachhman Das, his son Komal, and my mother Mani were admitted for further treatment. The reason for this attack is our refusal to vote for Vijay and his associates' candidate in the



Sarpanch elections. Due to this, they forcibly entered our house and attacked us. Legal action should be taken against all the aforementioned accused persons. My statement has been written down and read to me, and I confirm it to be correct. Signatures: Kala Singh (Complainant)."

3. Learned counsel for the petitioner vehemently argued that the present petitioner has been falsely named by the complainant in the present case. As per the case of the prosecution, the petitioner was one of the assailant and caused injury with a Kappa to Maani and the said injury has been declared as grievous. However, the complainant party was the real aggressor and on the basis of the statement made by the petitioner, a cross version in the shape of GD No.5 dated 03.01.2025 was also registered against the complainant side in the present case. Even the present petitioner had suffered 03 injuries in the present case. Apart from that, the petitioner, Parlhada, Rani, Sandeep, Akash and Sakina, from the side of the present petitioner were injured in the present case, which is apparent from the MLRs Annexures P-6 to P-11. Apart from that, the question of aggressor is yet to be adjudicated by the trial Court only during the course of trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been leveled against the present petitioner. However, he submits that the petitioner was never involved in any other criminal activity. He has also filed a reply by way of affidavit of Deputy Superintendent of Police Sub Division, Fazilka and the same is taken on record.



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

6. As per the case of the prosecution, the petitioner had caused an injury with a kappa on the person of Maani, on the side of the complainant and the said injury has been declared to be grievous in nature. However, 05 persons on the side of the petitioner had also suffered injuries and it is a case of version and cross-version. Thus, at this stage, it is difficult to decide the question of aggressor, while adjudicating the bail application.

7. Thus, without commenting any further, the petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

25.03.2025

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(N.S. SHEKHAWAT)

JUDGE

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