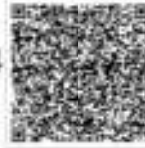


2025.PHHC.041394



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

SR. No.102

CRM-M-16392-2025

Date of decision:26.03.2025

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.
Mr. Rubal Pawar, AAG, Punjab.
Mr.Nakul Sharma, Advocate
for the complainant.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.258 dated 24.11.2024 registered under Sections 115(2)/126(2)/191(3)/190 of BNS (Sections 110 and 113 of BNS added later on) at Police Station Mamdot, District Ferozepur.
2. The FIR in the present case has been registered on the basis of statement made by the complainant (Harmesh Singh) and the same has been reproduced below:-

“Stated that I am resident of above mentioned address and do agriculture. On 22.11.2024 at about 11:30 AM, my uncle Chiman Singh and my father Harnam Singh and I, were going to the house of Sukhwinder Singh, Nambardar. He had made a decision regarding our land which my uncle Makhan Singh has ploughed with a tractor. The three of us were going to the house

of the Nambardar regarding this matter and my uncle Chiman Singh who was going a little ahead of us then on the way Makhan Singh son of Jagga Singh, armed with Kirch iron, Ajay Singh son of Makhan Singh armed with Kapa, Sandeep Singh son of Makhan Singh armed with iron rod, Maya Bibi wife of Makhan Singh, armed with wooden stick, residents of Sethan Wala and Balwinder Singh son of Balkar Singh, armed with wooden stick, Kulwinder Singh son of Balkar Singh, armed with wooden stick, residents of Jallo Ke, all of them stopped my uncle and said that catch Chiman Singh etc. who are stopping us from ploughing the land, let us tell them to stop us. Then Ajay Singh hit my uncle Chiman Singh with a kappa which hit his head on the right side, he fell on the ground, then I came forward to rescue him then Makhan Singh hit me with a iron kirch which hit my nose on the right side and then second time Makhan Singh gave me fist blow which hit my mouth which broke my teeth adjacent to upper middle teeth. So my father Harnam Singh came forward to save me, then Sandeep Singh hit my father with an iron rod, which hit his left arm, and then he hit my father a second time, on which he raised his right hand to protect himself, which hit his right thumb, and then Balwinder Singh hit my father with a stick, which hit my father Harnam Singh's right thigh, Maya Bibi also hit my father with a stick, so we shouted Maardita-Maarditta, then on seeing the people around are gathering at the spot, the accused fled from the spot along with their respective weapons. The reason is that after the death of my grandfather Jagga Singh, 3-3 kanals of land which we had received from his land, my uncle Makhan Singh wants to re-occupy that land. That is why all of them, in connivance with each other, surrounded us and blocked our way. Legal action should be taken against them.”

3. Learned counsel for the petitioner vehemently argues that the alleged occurrence had taken place at about 11.30 AM on 22.11.2024,

whereas the present FIR has been got registered by the complainant on 24.11.2024 after a delay of 02 days and the said delay was utilised by the complainant in coining a false version. He further contends that as per the case of the prosecution, the petitioner was allegedly carrying a kirch (knife) and had only caused injuries to the complainant (injured) and no injury to Chiman Singh (deceased) was attributed to him. By referring to MLR (Annexure P-2), learned counsel submits that even Sandeep on the side of the petitioner had suffered serious injuries on his person, however, no cross-version was recorded by the police in the present case. Learned counsel further submits that even it has been falsely alleged that the petitioner had given a fist blow on the tooth of the complainant and there was no such corresponding injury. Still further, co-accused Maya Bibi and Sandeep Singh have been granted the concession of interim anticipatory bail by the court below vide Annexures P-4 and P-5, respectively. Learned counsel also contends that the dispute in the present case pertains to a piece of land, which is in the possession of the accused and the suit for injunction between the parties is also pending with regard to the said land. Thus, due to previous enmity, the petitioner has been falsely involved in the present case.

4. On the other side, learned State counsel assisted by learned counsel for the complainant have strongly opposed the submissions made by the learned counsel for the petitioner on the grounds that the petitioner is also one of the main accused and had been assigned specific role in the FIR itself. They further submit that the petitioner was carrying a kirch (knife) and had caused injuries on the person of the complainant. Apart from that, the other accused had caused injuries to Chiman Singh (deceased),

who ultimately succumbed to the injuries. Even the weapon of offence is yet to be recovered from the present petitioner and the custodial interrogation of the petitioner is imperative.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. From the perusal of the FIR, it is evident that the present petitioner was carrying a Kirch (knife) and gave a blow with it on the right side of the nose of the complainant. Even it has been found that the present petitioner had actively participated in the commission of crime. Further, even though certain persons on the side of the petitioner had suffered serious medical injuries, but the same can never serve a ground to discard the prosecution version, where due to the serious injuries caused by petitioner and other co-accused, Chiman Singh had died. Moreover, the Kirch (weapon of offence), which was used by the petitioner, is yet to be recovered from him.

7. Thus, in view of the gravity of the allegations as well as the need for custodial interrogation of the petitioner to recover the weapon of offence, the present petitioner does not deserve the concession of anticipatory bail and accordingly, the instant petition is hereby dismissed.

26.03.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO