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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16753-2025 (O&M)
Date of Decision:- 22.04.2025

VIJAY KUMAR @ VIJAY @ VIJAY SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 07.04.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division, Fazilka is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
166	09.07.2019	353, 186, 332, 333, 148, 149 IPC	Sadar Fazilka, District Fazilka



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. She contends that the instant FIR was registered way back in the year 2019 and no specific overt act is attributed to the petitioner. She further contends that even the matter was earlier compromised but later on the petition was withdrawn from this Court vide Annexure P-4. She contends that co-accused Jaginder Kaur @ Joginder Kaur and Nirmala Rani, have already been granted the concession of bail vide orders Annexures P-6 and P-7. She submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply submitted by State has opposed the petition on the ground that the compromise was not voluntarily effected and as such the complainant had not supported the same, leading to withdrawal of the petition. He contends that there is specific attribution to the petitioner of having caused grievous injury with the help of *kappa*, a sharp edged weapon in cutting the tip of the nose of the complainant, which is a vital part of the body. As such, the petitioner does not deserve the concession of bail and prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it is observed that as per the allegations levelled in the FIR, on 07.07.2019 the complainant, working as a Home Guard, on receipt of information that some people are encroaching upon the panchayat land, being the member of the police party with H.C. Paramjit Singh went to the spot and where the



petitioner, Bhola Singh, Baldev singh, Kalu, Jogindero Bai, Jyoti, Nirmala Rani, Kuldeep Singh and Amrik Singh and 10-12 unidentified persons were present. On being stopped, co-accused Bhola Singh raised lalkara upon which the petitioner Vijay gave kappa blow with sharp edged side on the nose, due to which the complainant fell down and the assailants started hurling brick bats upon the police party. The complainant was admitted to the hospital and the FIR was registered.

7. Admittedly, the co-accused Joginder Kaur and Nirmala Rani have been granted the concession of bail vide orders dated 26.09.2024 and 21.11.2024 (Annexures P-6 and P-7 respectively), however, the petitioner cannot claim parity with them as no injury was attributed to the aforesaid persons, which is not so in the case of petitioner to whom specific overt act of hitting the complainant on his nose with sharp side of *kappa* has been attributed. The perusal of the MLR produced by ASI Gurmail Singh, Investigating Officer of the case present in Court would reveal that the petitioner had caused incised wound to the tip of nose thereby cutting the tip of nose of the complainant who was discharging his official duty as the complainant is a public servant working as Punjab Home Guard. The gravity of offence in cutting the tip of nose by using a sharp edged weapon by the petitioner disentitles him from the concession of anticipatory bail.

8. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

9. Any observation made above shall not be construed as opinion



of this Court on the merits of the case.

10. Pending application(s), if any, shall stand disposed of.

(SANJIV BERRY)
JUDGE

22.04.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No