



CRM-M-20047-2025

1

262

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20047-2025

Date of decision: 15.07.2025

Kashmir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Vikas Singh, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

AMARJOT BHATTI, J.

Petitioner-Kashmir Singh has filed present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.72, dated 18.11.2024, under Sections 115(2), 118(1), 118(2), 75, 191(3) and 190 of BNS, registered at Police Station Fattu Dyinga, District Kapurthala.

2. As per facts of the case, complainant Balbir Singh gave his statement that on 13.11.2024 at about 06.30 a.m. he along with his wife Sarabjit Kaur and sister-in-law Manpreet Kaur were taking care of their animals. His wife went out to throw cow dung, when he heard her screams. When the complainant came out he saw Kashmir Singh holding his wife from her throat and was doing wrongful act. He tried to rescue his wife. Kashmir Singh slapped him and caught hold of his hair and dragged him to the chowk. Surjit Singh @ Harjit Singh brought a *datar* and raised a lalkara and handed over *datar* to his son Kashmir Singh. Gurdev Singh also came from the side of Gurudwara Sahib and raised a lalkara not to spare him. Kashmir Singh gave *datar* blow towards his head which he warded off of

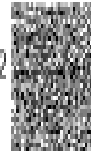


by raising his right arm. As a result, *datar* hit on his right arm. In the meantime, Jagdish Kaur, Gurmeet Kaur and Rana came out armed with sticks and attacked him. They gave him beatings by giving dang blows. He raised alarm for help. His sister-in-law Manpreet Kaur reached on the spot and also raised alarm. On seeing people collecting there, the assailants went to their house. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioner denied the allegations. It is pointed out that there is delay in lodging the report to the police and there is delay in the medical examination of injured. Copy of MLR is Annexure P-1 and opinion of Board of Doctors is Annexure P-2. Learned counsel for petitioner pointed out that as per the opinion of Board of Doctors, the alleged fracture of right ulna is on non-vital part of the body and possibility of friendly hand cannot be ruled out. The allegations are false. Petitioner is ready to join the investigation. Therefore, his anticipatory bail application may be allowed.

4. Bail application is opposed by learned State counsel. Detailed status report has been filed, confirming the allegations. Proper investigation was carried out. Medical record collected. Injury No.1 was caused with sharp weapon and other two injuries were declared simple inflicted with blunt weapon. The matter was inquired on the application of Charanjit Singh. The report submitted by DSP, Sub-Division Kapurthala, is Annexure R-1.

5. I have considered the arguments and have gone through the record carefully. As per the facts narrated in the FIR, occurrence took place on 13.11.2024 at 6.30 a.m. As per MLR of Balbir Singh, (Annexure P-1) he reached Civil Hospital, Kapurthala on the same day at



3.00 P.M. As per the MLR, he suffered one incised wound and two abrasions. As per X-ray report of injury No.1, there was fracture of right ulna. I have seen the opinion of Board of Doctors (Annexure P-2) where it is claimed that fracture is on non-vital part of the body and possibility of friendly hand cannot be ruled out.

6. Perusal of MLR indicates that the time of examination of Balbir Singh on injury No.1, there is reference that stitches were applied. It indicates that prior to this medical legal report the injured had taken medical aid. Therefore, it is for the investigating agency to collect the earlier medical record of Balbir Singh injured. The opinion of doctors regarding injury No.1 that possibility of friendly hand cannot be ruled out, cannot be given any weightage. It is matter of trial which will be adjudicated by the trial Court. Fact remains that weapon of offence is yet to be recovered and he is attributed specific blow.

7. In the light of aforesaid factual position, I do not find a fit case for anticipatory bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

15.07.2025
monika

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No