

311

CRM-M-21156-2025
Decided on: 14.05.2025

Rajwant Singh (@Kaku)

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lalit Singla, Advocate
for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

Mr. Shivam Garg, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0089	05.09.2024	Khanauri, District Sangrur	331(6), 115(2), 351(2), 351(3) of BNS (offence u/s 117(2) of BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail for the second time.

2. Earlier, the petitioner had filed anticipatory bail bearing number CRM-M-57999-2024, which was dismissed on merits vide order dated 17.12.2024 (Annexure P-3). The main reason for the dismissal of the anticipatory bail was that the petitioner, Rajwant Singh, had caused injury to the eye of the victim, Gurcharan Singh, and, due to the severity of the blow, the eyeball of the injured, Gurcharan Singh, was stated to have come out of its socket. Thus, this Court found the act to be cruel and inhuman and dismissed the petition. Despite the bail being dismissed way back on 17.12.2024, the police agency did not arrest the petitioner.

3. Thereafter, the petitioner filed the present bail petition. On 01.05.2025, when the present second bail petition was listed before this Court, the complainant's counsel put in appearance and stated on instructions that the complainant had no objection if this Court grants bail to the petitioner. However, State counsel had opposed the bail.

4. The petitioner's counsel argued that the eyeball had not come out of the socket, and it was a wrong statement, and as such, it was unjustified for this Court to cancel the bail

CRM-M-21156-2025

because the facts brought before this Court were incorrect. However, this Court had adjourned the matter to explain the maintainability of the second bail petition. On 05.05.2025, this Court had asked the State to clarify whether the eyeball had come out of the socket or not. In response, the concerned Deputy Superintendent of Police (DySP) filed a reply dated 12.05.2025. It would be appropriate to refer to paras 4 & 5 of the said reply, which reads as follows: -

“4. That pursuant to the order dated 05.05.2025 passed by this Hon'ble Court, the SHO, P.S., Khanauri has obtained fresh opinion dated 10.05.2025 from Dr. Sachin Kumar Bhati, Junior Resident Department of Forensic Medicine, Rajindra Hospital, Patiala regarding MLR No. MLR/SB/257/2024 of injured Gurcharan Singh son of Puran Singh. The opinion given by the Doctor is re-produced as under:-

In view of OPD slip of PGIMER Vide CR No. 202404140920 dated 01.10.2024 and date of examination 05.11.2024 shows enophthalmos and preception of light negative. Hence there is loss of vision.

At the time of examination right eye ball was present injured and slightly deformed (as per medical record of RH Patiala vide CR No.48313 and enophthalmos (eye ball sinking back in to orbit) present now.”

True typed copy of said opinion of Doctor dated 10.05.2025 is annexed as Annexure R-1.

On the basis of said opinion of doctor, offence u/s 118(2) BNS was added vide DDR No. 27 dated 12.05.2025.

5. That it is pertinent to mention here that during the investigation of the case, statements of eye witnesses namely Sukhpreet Kaur, Lovepreet Kaur, Kiranpreet Kaur daughters, Harshdeep Singh son and Manjinder Kaur wife of Gurcharan Singh (injured/complainant of the case) were recorded u/s 180 BNSS. In their respective statements all of them in a common voice stated that, on 02.09.2024, at about 9:30 PM, all of them were present alongwith Gurcharan Singh (complainant) in a room of their house and were talking to each other. In the meantime, Rajwant Singh @ Kaku who was holding a kirch in his hand and was under the influence of liquor, came and asked Gurcharan Singh (complainant) that he will take the share and in the agricultural land and when Gurcharan Singh told him that he has also share in it, Rajwant Singh @ Kaku gave a blow of kirch on his right eye, due to which, the eye ball of right eye of Gurcharan Singh came out and then Rajwant Singh @ Kaku also gave blow of handle of kirch on his forehead.”

5. The complainant has also handed over a photocopy of the affidavit dated 13.05.2025, as per which, he states that he never made any statement before police or authority or claimed that his eyeball had come out of the socket due to the injury caused by the petitioner, Rajwant Singh.

6. Be that as it may, the Courts in so many cases had observed that parties improve, conceal, or exaggerate their versions, and it is for this reason that the legal maxim *falsus in uno, falsus in omnibus* does not apply in Indian criminal jurisprudence. Applying the same ratio, this Court would prima facie analyze the evidence, which is prima facie truthful and non-exaggerated. This Court is analyzing the petition without being

CRM-M-21156-2025

influenced by the previous order of rejection, which dismissed the case on the grounds that the eyeball had come out of the socket. This Court would observe the other evidence, which is unimproved and unblemished.

7. It shall be appropriate to refer to the reply dated 30.04.2025 filed in the present petition by the concerned DySP, relevant portion of the said reply reads as follows: -

“That the present petition came up for hearing Before on 24.04.2025 and this Hon'ble Court was pleased to pass the following order:

"Notice of motion.

On the asking of Court, Mr. M.S. Bajwa, DAG, Punjab accepts notice on behalf of the respondent-State, while Mr. Shivam Garg, Advocate has put in appearance on behalf of complainant-respondent No.2

Learned State counsel is directed to seek specific instructions with regard to the averments made in para 7 of the order (Annexure P-3) passed by this Court. He is also directed to file complete medical evidence in the present case on or before the next date of hearing.

List on 01.05.2025."

2 That pursuant to the said order it is submitted that the detailed fact and status of investigation of case/FIR No. 89 dated 05.09.2024 u/s 331(6), 115(2), 351(2), 351(3) of BNS 2023 P.S. Khanauri have been mentioned in the reply already filed in this Hon'ble Court on 03.12.2024 in CRM-M No. 57999 of 2024, which was dismissed by this Hon'ble Court vide order dated 17.12.2024. However, in compliance of said order dated 24.04.2025, MLR, nature of injury and complete medical record of injured is produced herewith as per the detail mention below.

i) MLR No. SB./257/2024 of Gurcharan Singh is annexed as Annexure R-1

ii) Nature of injury report dated 26.11.2024 is annexed as Annexure R-2.

iii) Medical record of Rajindra Hospital, Patiala is annexed as Annexure R-3.

iv) Medical record of P.G.I. Chandigarh is annexed as Annexure R-4.

3. That with regard to the averments made in Para 7 of the order (Annexure P-7) passed by this Hon'ble Court, it is submitted that as per complainant, on 02.09.2024, at about 09.30 P.M., Rajwant Singh @ Kaku (accused/petitioner) under the influence of liquor came to his house holding a Kirch in his hand and gave its blow on his right eye and also gave a blow of its handle on his forehead. As per report dated 26.11.2024 regarding nature of injury number 1 has been declared as grievous in nature. Apart from the said facts, the P.G.I, Chandigarh vide UD ID No. CH4490319780005856, issued 30% permanent disability card dated 21.02.2025 regarding low vision in respect of Gurcharan Singh (victim/injured). Photo copy of said disability card is annexed as Annexure R-5."

8. A perusal of the medical report clearly points out that the complainant had suffered an injury due to which he has currently lost his vision. The outcome of the treatment

CRM-M-21156-2025

would depend on numerous factors.

9. Despite dismissal of the first bail petition, the police agency did not arrest the petitioner, giving him time to enter into a compromise with the victim, which shows prejudice and unfair treatment to the victim. The possibility cannot be ruled out that the police agency was deliberately slow, giving the petitioner a window to create a conducive environment for compromise.

10. It shall be appropriate to refer to a copy of FIR (Annexure P-1), annexed with the petitioner, and the same reads as follows:-

“Copy of statement, "Statement Gurcharan Singh son of Puran Singh resident of village Mandvi police station Khanauri District Sangrur aged around 46 years old Mobile No. 76960-45167 stated that I am a resident of the said address. I work as a farmer. I am married to Manjinder Kaur. We have three girls and one boy. The eldest girl is Sukhpreet Kaur than Lovepreet Kaur is younger than Kiranpreet Kaur and youngest boy is Harshdeep Singh. On dated 02.09.2024 at around 9:30 P.M. my wife Manjinder Kaur and I, with the girls and the boy were talking on the bed in the room inside our house, then Rajwant Singh alias Kaku son of Tari Singh, resident of Dera Mandvi, who was holding a kirch in his right hand, and had drunk liquor and told me that I will take entire share of land and will not give you anything and when I told him my share is also there, then he hit Kirch on my right eye and at the same time Kirch's fist hit on my forehead. My family and I screamed "Marta Marta" and on hearing hue and cry, the people of the neighborhood came together; upon seeing them, he ran away from spot along with kirch. Then my neighbourer Komal Singh son of Sinder Singh from Mandvi took me to Rajindra Hospital Patiala where my son-in-law Sahib Singh got me admitted. Where I am undergoing treatment.

The reason for enmity is that Rajwant Singh alias Kaku wanted to take the said land on contract from me, which I forbade due to which is in anger. I have been referred to PGI Chandigarh from Government Rajindra Hospital Patiala. Today I met you along with your fellow officials on the gate pass of Government Rajindra Hospital.”

11. The medical evidence corroborates the statement in the FIR that there was an injury to the eye. The petitioner was attacked in the eye, which is tender and can rupture with the slightest blow. Even though one eye would make things visible, it would still impair three-dimensional perception, leading to a significant reduction in routine activities, particularly driving, climbing, using stairs, and operating machinery.

12. Although the victim has compromised the matter with the accused, but this Court would not permit such a compromise at this stage for the reason of cruelty. Even if the victim has compromised the matter on their own free will and without any duress, the offence is so severe that this Court cannot accept this compromise to grant anticipatory bail to the petitioner.

13. In the entirety of facts and circumstances, the petitioner does not deserve anticipatory bail.

CRM-M-21156-2025

14. It is clarified that the petitioner may apply for regular bail before the trial Court, and the trial Court shall not be influenced by the rejection of anticipatory bail by this Court.

Petition dismissed. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

14.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.