



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

106

CRM-M-26780-2025

Date of decision: May 15th, 2025

Jaswinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jasinder S. Sekhon, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.51 dated 10.04.2025 under Sections 115(2), 118(1), 3(5), 118(2) of the BNS, 2023 registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner has argued that the version set out in the FIR (Annexure P-1) is a distorted account of the actual events. It is submitted that the alleged incident did not occur as projected by the complainant, and in fact, it was the complainant party that was the initial aggressor. The petitioner and his family members, according to the learned counsel, were forced to act in self-defence during the alleged altercation.

3. In support, learned counsel has drawn attention to the fact that the sister-in-law of the petitioner also sustained injuries in the said occurrence, for which she was promptly treated at the civil hospital. A copy of the Medico-Legal Report dated 09.04.2025 (Annexure P-2) has been placed on record in this regard.

4. It been further argued that had the sequence of events occurred in the manner alleged by the complainant, the nature of injuries suffered by the complainant party would have been more severe. Learned counsel has emphasised that the injuries attributed to the petitioner are primarily simple in nature, except for two injuries which were opined to be caused by a weapon and kept for orthopedic evaluation. It is contended, however, that none of these injuries were declared grievous in nature.

5. Learned counsel submits in the above-mentioned facts and circumstances, the petitioner be extended the concession of bail since he is willing to join investigation and cooperate with the investigating agency.

6. I have heard learned counsel for the petitioner and perused the relevant material on record, including the FIR (Annexure P-1).

7. Before proceeding further, it is relevant to note the substance of the allegations as levelled in the FIR by the complainant. The complainant has alleged that due to an ongoing dispute regarding the dumping of garbage on a common passage, the Village Panchayat convened a meeting on 08.04.2025. At the said meeting, while the complainant was presenting his version before the Panchayat near the house of the petitioner, the petitioner is alleged to have suddenly taken out a *datar* concealed behind a wall and inflicted a blow on the head of the complainant, followed by another blow on his right shoulder.

8. It is further alleged that the petitioner raised a *lalkara* that they would teach the complainant a lesson for previous quarrels. Thereafter, co-accused took out a *kirpan* and inflicted multiple blows, causing further injuries to the complainant. The son of the complainant

attempted to intervene but then had to flee away to avoid further injury to him. The injured-complainant was immediately transferred to the Civil Hospital, Batala, where he received prompt medical treatment and his Medico-Legal Report was also prepared.

9. The allegations levelled against the petitioner are not only specific but also grave in nature. He has been attributed a direct and active role in the assault, which involved the use of a sharp-edged weapon. The injuries suffered by the complainant include a head injury, which *prima facie* cannot be described as simple or minor. The presence of multiple injuries and the prompt medical treatment *prima facie* supports the version of the complainant. The medical evidence on record, including the MLR, therefore, lends *prima facie* corroboration to the account narrated in the FIR.

10. As for the claim regarding the injuries suffered by the sister-in-law of the petitioner, it is noteworthy that her medical examination was conducted more than 24 hours after the incident. This discrepancy cannot be ignored at this stage and undermines the assertion that the petitioner acted purely in self-defence.

11. While it is true that the injuries on the complainant have not been formally declared grievous by the doctors as of now, the nature and location of the injuries, particularly the one on the head inflicted by a *datar* and the manner in which all the accused carried out the attack, cannot be brushed aside or deemed innocuous at this stage.

12. In view of the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

13. Accordingly, the instant petition stands dismissed.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 15th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No