



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

106+227

CRM-M-53480-2024 (O&M)

Date of decision: 18.02.2025

Gurnek Chand @ Jaffi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Robin Dutt, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is the third petition filed by the petitioner seeking concession of bail under Section 439 of the Cr.P.C. in case FIR No.142 dated 22.10.2022 under Sections 307, 341, 324 of the IPC (Sections 451, 34 of the IPC added lateron) registered at Police Station Goraya, District Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 22.10.2022 in a case of false implication; in the occurrence in question in fact it is the complainant party which attacked the petitioner as a result of which he sustained injuries and was medico legally examined in the hospital on the following day of occurrence itself. In support, learned counsel has drawn the attention of this Court to Annexure P-1, which is the MLR of the petitioner. It has been further argued by the learned counsel that although the occurrence took place on 20.10.2022, however, even both



CRM-M-53480-2024 (O&M)

injured Pardeep Singh and Kamaljeet Kumar were examined on the following day of the occurrence which left no manner of doubt that a highly embroidered version had been brought forth against the petitioner. It has also been submitted that a DDR was also recorded with respect to the injuries sustained by the petitioner, however, the investigating agency for reasons best known, had been sitting over the same and had not taken any action on the said DDR. Learned counsel submits that since there is no possibility of the trial concluding in the near future as six prosecution witnesses still remain to be examined coupled with the fact that both the material witnesses i.e. the complainant as well as the injured have already been examined, further incarceration of the petitioner would serve no useful purpose as there can be now no risk of the petitioner intimidating or influencing the witnesses or tampering with evidence.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, he has submitted that although the petitioner is facing trial in two cases under the Excise Act, however, he is not booked in any other criminal case, much less under the IPC/BNS.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Subhas Kumar, has not disputed the custody period of the petitioner nor has it been disputed on instructions that all the material witnesses in the present case stand examined. It has also not been disputed that the next date fixed before the learned Trial Court



CRM-M-53480-2024 (O&M)

is 05.03.2025 when some of the remaining six witnesses are likely to be examined. Learned State counsel, however, has reiterated the allegations levelled in the FIR which stand reproduced hereinunder:-

*“Statement of Ranjit Kumar alias Laddi son of Ram Lubhaya resident of village Shokran P.S. Phillour Distt. Jalandher aged about 34 years Mob. No. 9815078742 stated that I am resident of above said address and Carpenter by profession. On 20.10.2022 I alongwith my friends Pardeep Singh son of Jasvinder Singh resident of village Maraon alongwith my cousin Kamaljeet Kumar son of Gurmej Lal resident of village Masani was coming from village Sheokaran to village Masani after attending birth day party of our friend on my Motor Cycle which was driven by Pardeep Singh and Karamjit Kumar is sitting in between us as I was sitting on the rare seat when we reached in village Masani at about 8 P.M in front of meat shop of **Gurnek Singh alias Jaffi** son of Mohinder Pal village Masani then **Gurnek Chand** was standing in front of his shop when we reached nearby him he attacked suddenly with Butcher knife which hit the left hand of Pardeep and because of that Motor cycle got unbalance and we fell down and again **Gurnek Chand** with the intention to kill us attacked upon us with the knife which hit the Karamjit in his abdominal then I ran away from the spot after alarming Mar Ditta Mar Ditta, when I came back after 10 minutes and see that **Gurnek Chand** ran away from the spot with his weapons, then I took Karamjit Kumar and Pardeep Singh on my M. Cycle. to Civil Hospital Bara Pind, Dr. Sahib referred them to Civil Hospital Jalandher, after seeing their condition serious. I took them in ambulance no. 108 to civil Hospital, Jalandher and Dr. referred them to Govt. Medical College, Amritsar. Because of the serious condition. Then our other relative also gathered and after consulting them we admitted them in Shri Ram Neuron Centre, Jalandher where Kamaljeet and Pardeep are under treatment. Reason of the alternation is that some days ago Gurnek and Kamaljeet fight with each other for some reason, because of that he with intention to kill Karamjit and Pardeep attacked on. I was coming to complaint you but you need me action be taken against **Gurnek Chand** Sd/- English Ranjit Kumar sd/ English Charanjit Singh ASI 1/CPP Pullotha P.S. Goraya dated 22.10.2022.”*

5. Learned State counsel has submitted that the petitioner attacked the complainant as well as injured Pardeep Singh without any



CRM-M-53480-2024 (O&M)

provocation with a butcher's knife; he inflicted a knife blow on the left hand of injured Pardeep Singh and thereafter in the abdomen of Kamaljeet Kumar. Learned State counsel has further submitted that all the material witnesses while deposing before the learned Trial Court, had supported the case of the prosecution in its entirety and hence, there was no question of the petitioner being falsely implicated in the present case; qua the petitioner sustaining injuries at the hands of the complainant party, it has been submitted on instructions that the said injury was merely simple in nature and, therefore, it would not come to the rescue of the petitioner in the facts and circumstances as enumerated hereinabove. Learned State counsel has, therefore, vehemently opposed the prayer and submissions made by the counsel opposite and prayed for dismissal of the instant petition in the light of the mode and manner in which the crime in question was executed.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. A perusal of the FIR which stands reproduced hereinabove, clearly reveals that it was an unprovoked and pre-planned attack which was carried out by the petitioner, who while standing outside his shop with a butcher's knife, attacked both injured Kamaljeet Kumar as well as Pardeep Singh. The injury sustained by Kamaljeet Kumar on his abdomen was opined to be dangerous to life and prime facie finds due corroboration with the ocular testimony as provided in the FIR in question. Therefore, this Court is not inclined to extend the concession of bail to the petitioner.



CRM-M-53480-2024 (O&M)

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

10. Pending applications, if any, stand disposed of.

11. In view of the long custody period of the petitioner, the learned Trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of three months from today.

18.02.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No