



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-61161-2024

Date of decision: April 03, 2025

AMIT SINGH @ AMIT

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Angel Walia, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.121 dated 08.06.2024 (Annexure P-1) under Sections 323, 324, 148, 149, 506 of the Indian Penal Code, 1860 (and Sections 326, 201 of the IPC added later on), registered at Police Station Sadar, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 10.09.2024 in a case of false implication. It is a matter of record that the injured-complainant, Yuvraj was admitted in a private hospital after the alleged occurrence, however, as per Annexure P-3, the injured-Yuvraj was discharged on the same day from the private hospital at about 6:25 p.m. in a stable condition, and thereafter, was moved to a Government hospital. Learned counsel has submitted that there is an apparent contradiction with respect to the time at which the injured-complainant was discharged from the private hospital and admitted in the Government hospital, which leaves no manner of doubt that the injury

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attributed to the petitioner is nothing but with a friendly hand and undoubtedly, is a self-inflicted injury. Learned counsel has submitted that in the circumstances, moreso when the investigation is complete and charges stand framed, further incarceration of the petitioner would serve no useful purpose as none of 13 prosecution witnesses have yet been examined.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, at the outset, has reiterated the allegations levelled in the FIR, which stands reproduced hereinbelow:-

“I am a student of class 11th at Government Senior Secondary School Verka Amritsar. On 01.06.2024 at about 11:00 AM, I was standing outside my house at the turn of my street with my uncle Mandeep Singh son of Gurdev Singh, suddenly (1) Amit Kumar son of Bira resident of Chhoti Gali near Pathian Da Taal Mustafabad holding sharp edged weapon in his hand (Kirch), (2) Abhi son of name not known resident of Street No. 4 Indira Colony holding sharp edged weapon in his hand (Dataar), (3) Sahil and (4) Rohit both sons of Lakhwinder Singh Lakha Press Reporter Resident of Street No. 5 Indira Colony Mustafabad holding baseball in their hands, (5) Akshay Kumar son of Nand resident of Main Chowk Jeevan Kariana Store Mustafabad Batala Road Amritsar holding sharp edged iron weapon in his hand (Dataar). Abhi called me to come and listen to him, when I went there, Sahil grabbed me from neck and started abusing me and started punching me and Rohit shouted to catch me and learn me a lesson to interfere in their matter, on which Sahil hit me with baseball holding in his hand, which hit on my left knee, in the instance, Rohit hit me with a wooden stick and I raised my left arm and it hit on my wrist and Amit hit me with sharp edged weapon (Kirch) at my stomach which hit on the left side of the stomach. The shot hit directly in my stomach and I bled and fell on the ground. I started shouting to protect and my uncle Mandeep Singh, Daleep Kumar son of Ajit Lal of our neighborhood, Harwinder Singh alias Bhinda son of Resham Singh, Gurpreet Singh son of Nirmal Singh came running to rescue me and seeing them coming, the attackers ran away with their weapons from the spot by passing threats to kill



me. My heirs arranged a vehicle and firstly admitted me to Corporate Hospital Batala Road Amritsar and because it was costly, then on the same day in the evening I was admitted to Sri Guru Nanak Dev Hospital Amritsar where I am under treatment. Reason behind this is that there is a grudge going on between the two groups of youth in our neighborhood for many days. That group of Abhi etc. were under impression that I was helping another group. Until today, the respectable of our neighborhood have been asking us to compromise with each other, but it did not reached any conclusion. I have presented my MLR No. MB/FM/MLR/18/24 dated 1-06- 2024 of mine to you. Appropriate legal action should be taken against all the accused who attacked me and injured me. Statement has been recorded, read and listened, it is correct. Sd/-Yuvraj Singh above. That in the MLR no. MB/FM/MLR/18/24 dated 1-06-2024 doctor has recorded total three injuries sustained to the victim Yuvraj Singh. In which the injury number 1, caused by Sharp edged weapon and injuries No. 2 and 3 have been recorded as inflicted by blunt weapons and the novelty of the injuries have been kept subject to bedhead ticket, X Ray Report and USG Report. According to the bad head ticket and medical record, after getting the final opinion from the doctor, the action will be implemented. From the statement of victim Yuvraj Singh and MLR above, the crime is found to be made clearly under section 323, 324, 148, 149, 506 IPC. In which as per the statement PHG Atamjit 9513 has been sent to police station for registration of case and after registration of the said case, investigation of the said case has been carried out by ASI Jeevan Singh and spot has been checked after reaching there. Police Proceeding.”

4. It has been submitted by the learned State counsel that it was a pre-mediated attack carried out by all the accused including the petitioner; all the accused were armed with lethal weapons, with which they brutally attacked the injured-complainant Yuvraj Singh. Furthermore, the petitioner has been specifically named and attributed an injury on the abdomen of the

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injured, which *prima facie* finds due corroboration with the MLR, which has been annexed as Annexure P-4.

5. Learned State counsel has, in particular, drawn the attention of this Court to Annexure P-3, wherein it stands mentioned by the Director of the private hospital that the injured-complainant was admitted at 2:05 p.m. with an alleged history of assault and injury to head and abdomen and had been discharged at 6:25 p.m. as a case of LAMA. Still further, it has been submitted that a perusal of the FIR reveals that the injured was shifted from the private hospital to the Government hospital on account of the heavy expenses involved. Learned State counsel has also drawn the attention of this Court to Annexure P-4, which is the MLR of the injured and has, in particular, referred to injury No.3 i.e. An incised wound of size 4.3 X 1.8 cm is present on the left side of the abdomen, placed 15.8 cm laterally to umbilicus, soft tissue is protruding out of the wound, margins everted. It has been asserted by the learned State counsel that it can by no stretch of imagination, be a self-inflicted injury, keeping in view the length and breadth of the stab wound. It has also been submitted that the complainant had categorically stated in the FIR itself that since the reason behind the alleged attack was an ongoing dispute/enmity between two groups of persons residing in the same neighbourhood, efforts were being made to effect the compromise with the complainant party, which had in all likelihood led to the delay in the lodging of the FIR.

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

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7. A perusal of the FIR, which stands reproduced hereinabove, *prima facie* leaves no manner of doubt that it was a pre-planned and well-orchestrated assault, which was carried upon the injured by all the accused including the petitioner; the petitioner evidently took the lead as he targeted the abdomen of the injured-complainant with a lethal weapon like a knife. The contention of the learned counsel for the petitioner that the said injury attributed to the petitioner in all likelihood was with a friendly hand *prima facie* does not appeal to prudence.

8. Be that as it may, in view of the specific allegations against the petitioner and role attributed to the petitioner, this Court does not deem it fit to accept the prayer of the petitioner for being extended the concession of regular bail, moreso when none of the witnesses have been examined.

9. Accordingly, the instant petition stands dismissed.

10. 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.

April 03, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*