



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

CRM-M-61581-2024
Date of decision: 23.01.2025

Gurjant Singh @ Jati

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaurav Datta, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Harmanpreet Singh, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.108 dated 16.11.2024 registered under Sections 115(2), 118(1), 126(2), 351(1), 191(3) and 190 of BNS 2023, registered at Police Station Chamkaur Sahib, District Rupnagar.

2. The present FIR was registered on the basis of statement dated 16.11.2024 suffered by complainant Avijeet wherein he alleged that on 14.11.2024 at about 6:30 PM, he along with his friend Suraj Kumar was standing near Balgan Sweets Shop, Sri Chamkaur Sahib, then present petitioner and Anuj entered into an argument with aforesaid Suraj Kumar and thereafter, they went to their house. Subsequently, complainant received a phone call from Devinder @ Baba who informed to him that petitioner along with some other youths was roaming in the city to beat him and his friend Suraj. Devinder Singh @ Baba asked them to reach near canal, so that matter be settled between them. On this, complainant, Suraj and Harsh reached at canal near Khawaja Mandir. Then Devinder Singh @ Baba along with Anuj, Gola, Mani, Arsh @ Palar and petitioner along with two unidentified boys came their on two motor cycles and they were armed with



swords. Anmolpreet Singh who was present there asked both the parties to resolve the matter by talking to each other. However, petitioner and Devinder Singh @ Baba raised *Lalkara* to eliminate the opposite party. Anuj gave sword blow which hit on the left arm of Anmolpreet Singh. Petitioner gave sword blow which landed on left palm of the complainant. Devinder Singh @ Baba gave sword blow which hit on/near nose of Suraj just below his eye. The complainant party tried to ran towards the fields but was chased and the accused persons gave further beatings.

3. The counsel for the petitioner *inter alia* submits that there is delay of two days in lodging of FIR and the petitioner is falsely implicated in the present case. It is further submitted that the alleged injury caused by the petitioner is on non vital part of the injured. It is further submitted that no fracture was found on the left palm/hand of the complainant and thus, the alleged injury on the person of the complainant which is attributed to the petitioner is not covered under Section 118 (2) of BNS 2023. It is further submitted that the petitioner is ready to join investigation with the police.

4. Status report by way of an affidavit of Manjit Singh Aulakh, Deputy Superintendent of Police, Sub Division Chamkaur Sahib, District Rupnagar filed on behalf of the State is taken on record along with Annexure R-1.

5. The present petition is resisted by the State counsel who submits that injury caused by the present petitioner with the help of sword on the person of Avijeet (complainant) is found to be grievous in nature, as per medico legal case summary (Annexure R-1), coupled with the further report dated 21.01.2025 submitted by the concerned doctor of PGIMER, Chandigarh. It is further submitted that the petitioner is required by the police for the purpose of proper investigation.

6. Petitioner is specifically named in the FIR and specific injury is attributed to him. As per the medico legal case summary Annexure R-1, the injury caused by the present petitioner on left palm of Avijeet, with the help of sharp edged weapon was declared grievous in nature.

7. On the last date of hearing, State counsel was directed to seek further instructions from the concerned doctor with regard to nature of the



aforesaid injury. Today, the State counsel has produced the document Annexure R-4 in compliance of the aforesaid order. The same is taken on record. Document Annexure R-4, which is signed by Senior Resident Department of Plastic Surgery, PGIMER, Chandigarh, reads as follows:-

“21.01.2025

As per definition of Greivous Hurt (320 IPC), any hurt which causes the subject to be during period of 20 days, in severe body pain or unable to do his daily activities. Patient was diagnosed with cut injury over the palmer aspect of left hand for which surgical management was done and tendon repair was done. Due to which patient was on post operative dressings and physiotherapy for retaining the left hand functions for more than a duration of 20 days. He couldn't perform his daily activities during this period of time.”

8. In light of Annexures R-1 and R-4, it appears that the concerned doctor has declared injury caused by the present petitioner with the help of sharp edged weapon on the left palm of complainant as grievous in nature. The recovery of the weapon used by the petitioner in commission of crime is still to be effected by the police. The custodial interrogation of the petitioner is necessary for the purpose of proper and effective investigation, even if in the instant case, there was delay in lodging of FIR.

9. For the foregoing reasons, the present petition is dismissed, without expressing any opinion on the merits of the case.

23.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No