

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

CRM-M-62485-2024
Reserved on: 21.04.2025
Pronounced on: 29.04.2025

Balvir Singh @ Balbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Adesh Pal Singh, A.A.G., Punjab.

Mr. Amrit Paul Nahar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
201	05.11.2024	Sadar Hoshiarpur	109, 115(2), 118(1), 333 BNS (Section 118(2) 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.
2. In paragraph 6 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from status report filed by State counsel, which reads as follows:

“2. That it is submitted that FIR No.201 dated 05.11.2024, U/s 109, 115(2), 118(1), 333 of BNS of 2023 was registered at P.S. Sadar, Hoshiarpur against the petitioner Balvir Singh that on 01.11.2024 the complainant and his daughter Seema Devi were sitting at his home after eating food. At about 08:30 p.m. the complainant heard a noise on the roof of his house. On this, the complainant and his daughter Seema Devi walked up stairs and saw that there was nobody on the roof of the complainant. When the complainant turned on his torch and he saw in the light of torch that his son-in-law Balvir Singh had hidden himself on the roof of Malkiat Singh adjoining to the house of

the complainant. The complainant said to his daughter Seema Devi to call Sarpanch. When the daughter of complainant Seema Devi walked down the stairs, Balvir Singh son-in-law of the complainant came to the roof of the house of the complainant and abused the complainant. Then the complainant asked his son-in-law Balvir Singh that why did he came here. In the meantime Balvir Singh son-in-law of the complainant gave blow of datar upon the complainant with a view to kill him which hit on the left side of the head of the complainant and complainant fell down. In the meantime the accused Balvir Singh gave second blow of his datar which hit on the left side of head of the complainant while he was lying on the ground which hit on the left side of head of the complainant and the complainant went aside to save himself. Then accused Balvir Singh gave third blow of his datar upon the right side of head of the complainant which hit right side of the head of the complainant. The complainant raised his hand to save himself then the complainant gave fourth blow of his datar on the right hand of the complainant which hit on the little finger of the complainant. Then the accused Balvir gave fifth blow of his datar on the right arm of the complainant from the reverse side of the datar which hit right arm of the complainant. Then the complainant raised hue and cry. On this, Seema Devi daughter of complainant and Ram Lubhaya brother of complainant were walking upstairs to reach the roof of the house, the accused Balvir Singh fled away from the roof of the house of the complainant. Due to serious injuries received by the complainant, the complainant was rushed to the Civil Hospital, Hoshiarpur and was admitted in the Civil Hospital, Hoshiarpur. The reason behind the occurrences that there is a litigation between Seema Devi daughter of complainant and Balvir Singh son-in-law of the complainant in the Hon'ble court and as such the accused entered the house of the complainant and caused injuries with an intention to kill him.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. Counsel for the petitioner submits that there is a matrimonial dispute, as such everything has been fabricated and concocted to take away petitioner's liberty. Petitioner was not present at the spot. It was Dipawali days and petitioner was at his residence with his mother and children i.e. son aged 10 years and daughter aged 08 years. Petitioner's mother had filed an application vide UID No.464874 dated 06.11.2024 to SSP. Petitioner's wife had left the petitioner and her two children in July, 2023 and after that she filed complaint under Section 12 of DV Act, 13 of Hindu Marriage Act and 125 CrPC for maintenance. Based on this, a false FIR has been registered against the petitioner. Counsel for the petitioner further submits that there is a delay of 04 days in lodging the FIR. The date of incident was 01.11.2024 whereas the complaint was lodged on

05.11.2024 and there is an unexplained delay which would suggest deliberations and time to fabricate a false story. Section 109 of BNS was intentionally inserted because of the contacts with the doctors and it is not a case of Section 109 BNS. Counsel for the petitioner submits that complainant is a retired Army personnel and has two daughters. Petitioner's wife entered into love marriage and has not returned to her parents home after marriage. Initially the complainant did not accept the marriage and later on did accept the marriage on the condition that petitioner would remain as ghar jamai but the petitioner had to take care of his mother, as such he could not accept this condition and this caused the complainant to harbor a grudge and file false case. The status report does not mention anything about petitioner's presence that he was present in his home. Petitioner's custodial interrogation is being sought for recovery of weapon. When he was not present at the spot, there was no question of weapon, as such custodial interrogation is not required.

7. Counsel for the complainant referred to para no.2 of the reply dated 20.01.2025 filed by complainant which reads as follows:

"2. That thereafter, the Medical Legal Report dated 01.11.2024 was conducted by the Civil Hospital, Hoshiarpur. The following injuries were inflicted to the complainant by the petitioner.

"1. Incised wound of 10x0.2x0.3 cms on left frontal region of head, tailing medially stitching and ASD done. Adv. Sx opinion. Injury No. 1.

2. Incised wound of 7x0.2x0.3 cms on left parietal region of head, tailing medially. Stitching and ASD done. Adv. Sx. Opinon. Injury No. 2.

3. Incise wound across both parietal regions of head of 13x0.1x0.3 cms tailing towards right side. Stitching and ASD done. Adv. Sx opinion. Injury No. 3.

4. Incised wound of 1x0.1x0.1 cms on right hand little finger at PJP joint. Adv. ortho. Opinion Injury No. 4.

5. Abrasion on right forearm, middle one third of 1x1 cms. Injury No. 5.

Injury Nos. 1, 2, 3, 4 kept under observation, 5 is simple.

Sharp for 1,2,3,4. Blunt for 5.

Copy of Medical Legal Report dated 01.11.2024 is annexed as Annexure R-2/2."

8. Counsel for the complainant submits that the petitioner would beat complainant's daughter and for that reason, she had no option but to leave home for her security and the petitioner hid himself waiting to attack his father-in-law and attributed four injuries to

him. Out of four, three were on the head and it was sheer luck of the complainant that he survived. Counsel for the complainant further submits that petitioner is NRI and if he is given bail, there is likelihood of his fleeing. He has referred to Annexure R2/2 which is Medico-legal Report given by Medical Officer, Civil Hospital, Hoshiarpur.

9. An analysis of the pleadings would lead to the following outcome. Petitioner has himself admitted the animosity between him, his wife and complainant i.e. father-in-law. Petitioner's stand is that because of the grudge, complainant lodged false FIR and petitioner has also referred to litigations going on between them like DV Act, Hindu Marriage Act and Section 125 CrPC. Whenever a matrimonial discord takes places, these kinds of litigations are normal. However, whether somebody gets motive to falsely implicate because of these litigations is altogether different factor. In the present case, complaints were filed not by the petitioner but by complainant's daughter, as such it was not a case where the complaints are filed against the complainant or his daughter i.e. petitioner's wife for which he had any grudge. Infact, daughter of the complainant filed complaint under Domestic Violence Act, Section 13 of Hindu Marriage Act and Section 125 CrPC, for which petitioner would have a grudge. In addition to this, the allegations are duly corroborated by medical evidence. There were three attempts on the vital part of the body i.e. head and that too with a dangerous weapon.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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

(ANOOP CHITKARA)
JUDGE

29.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.