

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-63759-2024 (O&M)
Date of Decision:- 11.02.2025

SARWAN SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. A.S. Manaise, Advocate for the petitioner.

 Mr. Ankit Grewal, DAG Punjab.

 Ms. Neha Randhawa, Advocate for
 Mr. Saurabh Singla, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
81	31.07.2024	109, 115(2), 324(4), 351(2), 191(3), 190 BNS and 25 of the Arms Act [117(2) BNS added later on]	Kalanaur, District Gurdaspur

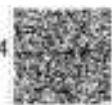
2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in the case. He
contends that no specific overt act is attributed to the petitioner and even
otherwise there is a cross-version to the FIR registered on the statement of
one Jatinder Singh and it is yet to be ascertained as to which party was the



aggressor. He further contends that the petitioner has been named intentionally in the FIR, just to settle score by the opposite party, although he is not involved in the alleged occurrence in any manner. He submits that no injury has been found to be dangerous to life and the custodial interrogation of the petitioner is not required as he is ready to join investigation and prays for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by State has opposed the petition on the ground that the petitioner has been specifically named in the FIR of having caused injury on the head of the injured Mangal Singh with *gandasi*, which was found to be grievous in nature. He submits that although there is no specific opinion regarding the injury being dangerous to life, but the collective impact of multiple injuries sustained by the injured including grievous injury on the head, fulfills the requirement of offence punishable under Section 109 of Bharatiya Nyaya Sanhita, 2023. He further submits that the petitioner had actively participated in the occurrence while being armed with deadly weapon and being a member of unlawful assembly, hence his custodial interrogation is required to recover the weapon of offence. Thus prays for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the statement of Bahadur Singh naming 12 assailants including the petitioner on the allegations that on 30.07.2024 at about 08:30 PM, he along with his brother Mangal Singh was standing in their land, and thereafter co-accused Jatinder Singh armed with



pistol, Lakhwinder Singh armed with rifle, Harjinder Singh armed with sword, Amritpal Singh armed with pistol, Baljinder Singh armed with *datar*, Gurpreet Singh armed with *datar*, Kuljinder Singh armed with *datar*, the petitioner-Sarwan Singh armed with *gandasi*, Jatinder Singh armed with *datar*, Balpreet Singh and Gagandeep Singh armed with *datars* and Malit Singh armed with pistol came there. On the *lalkara* being raised by Amritpal Singh, they started firing towards the complainant and his brother with intent to kill them. The petitioner gave *gandasi* blow on the head of Mangal Singh and when the complainant tried to save him, Baljinder Singh gave *datar* blow on his head, followed by reverse *datar* blow by Balpreet Singh on the left hand of Mangal Singh. Thereafter, Gurpreet Singh gave reverse *datar* blow on the right hand of complainant followed by reverse *datar* blows by Jatinder Singh and Gagandeep on the legs of Mangal Singh. Thereafter, Kuljinder Singh also gave *datar* blow on the left hand of the complainant and accused again fired gunshots and ran away from the spot. The injured was shifted to the hospital and accordingly the FIR was registered.

5. After considering the status report filed by the State and also the submissions made by learned counsel for the petitioner, it transpires that there are specific allegations levelled against the petitioner of having caused injury with *gandasi* blow on the head of injured Mangal Singh, which has been found grievous in nature. The fact that the petitioner while being armed with deadly weapon and being a member of unlawful assembly along with other co-accused armed with deadly weapons such as guns, pistols, *datar*, *gandasi*, had caused grievous injury on the head of Mangal Singh, warrants



the custodial interrogation of the petitioner to recover the weapon used in the commission of offence.

6. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.02.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No