

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37177-2025
Reserved on: 01.08.2025
Pronounced on: 19.08.2025

Kewal Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.K. Singla, Advocate, for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. H.S. Sehgal, Advocate, for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
50	06.05.2025	Gidderbaha, Distt. Sri Muktsar Sahib	118(1), 115(2), 191(3), 190 of BNS (Section 118(2) of 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. As per paragraph 10 of the bail petition, the petitioner has no criminal antecedents.

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“Statement of Balkar Singh son of Bikkar Singh son of Gurdarshan Singh, resident of Buttar Bakhua, aged about 30 years, M.No.78372-xxxx stated that I am resident of above-mentioned address and is agriculturist. On 04.05.2025 that I and my father, the land which was partitioned by Binder Kaur wife of Shambu Ram, resident of Buttar Bakhua and regarding this, we have filed before Hon'ble SDM Sahib, Gidderbaha and the land which was partitioned in our favour and copy of the same has been sent to opposite party then time was about 10:00 - 10:30 AM that I and my father was having food while sitting in our field then Kewal Kumar Son of Shambhu Ram, resident of Buttar Bakhua on his Jeep marka Mahindra D1 bearing No.7171 of white colour and in which, from my village Rahulpreet Singh Son of Balwinder Singh alias Gora armed with Iron Rod, Gajja Sharma Son of Disha Sharma armed with handle of spade and Manjinder Singh Son of Bachittar Singh armed with Kappa came out after parking their Jeep near us and Kewal Kumar after bring out Sword from his above said Jeep and by raising lalkara loudly stated that show them today that how to receive land by filing appeal against us and manner for closing of our Nakkas/Turn then we both father and son after leaving food under fear

tried to run after stand up then Kewal Kumar gave his Dasti Kirpan/Sword blow on right side of my head then I moved little aside in order to save myself and the same was hit on my right shoulder and in the meantime, Manjinder Singh gave Kappa blow on my left side and the same was hit on my left bicep and thereafter, Rahulpreet Singh gave his dasti Iron rod blow two times towards me and out of them one was hit on my right thigh and second one was hit on left side of my head and Gajja Sharma gave blow with handle spade two times upon me and out of them, one was hit on my right ear and second one was hit on my back. My father was trying to save me from them then Nirmal Sharma Son of Shambhu Ram along with 3/4 unknown persons have come at the spot on his Jeep of Green colour bearing No.4878 and the above said Nirmal Sharma took out Daang from his Jeep and started beating my father blindly i.e. hit three times on right arm of my father and one was hit on back side and thereafter, Manjinder Singh gave Kappa blow towards head of my father who was moved little ahead and saved and thereafter, these unknown persons gave Daang blow 2/3 times towards ankles of my father and out of them two were hit on left ankle of my father and one was hit on right ankle of my father and Gajja Sharma gave blow of handle of spade two times on head of my father and out of them, one was hit on right side of head of my father and second was hit on left shoulder. We while shouting and fell down on floor being unconscious due to numerous injuries. After seeing us in unconscious condition/lying on floor then above said accused persons run away from the spot along with their weapons. We came to know later on that when we were unconscious then our relatives Jaskaran Singh Son of Jhanda Singh, resident of Chotiya to whom informed telephonically by my brother Shivraj Singh about our fight and receiving of injuries. Upon this, above said Jaskaran Singh got admitted us in Civil Hospital Gidderbaha by arranging the vehicle and where Doctor Sahib after giving first treatment referred to AIIMS Hospital, Bathinda due to various injuries and where Doctor Sahib providing treatment to us. Reason for enmity is that mother of Kewal Kumar i.e. Binder Kaur wife of Shambhu Ram, resident of Buttar Bakhua got partitioned the land and with regard to that we have filed appeal before Hon'ble SDM Sahib, Gidderbaha and land was come into our favour and given application with regard to Nakka before Hon'ble Deputy Commissioner Sahib, Bathinda and Deputy Commissioner Sahib closed two Nakkas of Kewal Kumar and also closed one Nakka of us. Due to this grudge, Kewal Kumar Son of Shambhu Ram, Rahulpreet Singh Son of Balwinder Singh alias Gora, Gajja Sharma Son of Disha Sharma, Manjinder Singh Son of Bachittar Singh, Nirmal Sharma Son of Shambhu Ram, residents of Buttar Bakhua attacked and caused injuries to us. Action be taken.”

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 his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. Counsel for the complainant submits that the petitioner had given injuries on the shoulder which led to a fracture, as a result of that, the victim was hospitalized for seven days and has restricted range of movement of his right arm till now. He further submits that petitioner had acted with the common object with other accused and he was the main person, who had driven the Jeep. He further submits that the petitioner had a grudge against the complainant due to one order passed by Sub Divisional Magistrate. He further submits that regarding cross version, it was a defensive injury and not an assault by the complainant or the victim.

8. It would be appropriate to refer to the following portions of the status report, which reads as follows:

"5. That brief facts of the case are as follows: The present case has been registered on the statement of Balkar Singh on the allegations that on 04.05.2025 at about 10.00/10.30 A.M., he along with his father was having meal in the field. Kewal Kumar came on Jeep along with Rahulpreet Singh armed with iron rod, Gajja Sharma armed with handle of spade, Manjinder Singh armed with kappa. They alighted from the jeep. Kewal Kumar took out sword and raised lalkara. Out of fear they tried to fled away. Kewal Kumar gave sword blow towards his head and blow hit on his right shoulder. Manjinder Singh gave kappa blow, which hit on his left bicep. Rahulpreet Singh gave two blows of iron rod, out of which one hit on his right thigh and another hit on the left side of his head. Gajja Sharma gave two blows of handle of spade, out of which one hit on his right ear and another hit on his back. His father was trying to save him. Nirmal Sharma came on Jeep along with 3-4 unknown persons. Nirmal Sharma took out dang from jeep and gave several blows to his father and three blows hit on the right arm of his father and one blow hit on the back of his father. Manjinder Singh gave blow of kappa towards the head of his father, but his father saved himself. Then unknown persons gave 2-3 dang blows on the ankles of his father and two blows hit on the left ankle and one blow hit on the right ankle of his father. Gajja Sharma gave two blows of handle of spade on his father, out of which one hit on the right side of head and another hit on the left shoulder of his father. They raised alarm and then accused fled away from the spot with respective weapons. On the basis of aforesaid statement, FIR under Sections 118 (1), 115 (2), 191 (3), 190 BNS was registered. During investigation, vide DDR No.32 dated 21.05.2025 offense under Section 118 (2) of BNS was enhanced.

7. That on 16.07.2025 Hon'ble Court raised the specific query which are mentioned as follows:-

A. As per the MLR no. CG/497/GDB/25 the victim received 6 (six) injuries. The MLR is annexed R-1.

B. That now the victim is out of danger is living his life.

C. That the injured Balkar Singh was admitted in hospital on 04.05.2025 and he discharged on 08.05.2025. The injured Bikkar Singh was admitted on 04.05.2025 and he discharged on 05.05.2025.

D. That the petitioner was armed with sword and he gave sword blow to the victim on his right shoulder."

REASONING:

9. The petitioner was specifically named in the FIR and even the injury with Kirpan on the shoulder of victim was attributed to him. In fact, the complainant's case is that the

petitioner was the ringleader, who had assaulted because of the order passed by Sub Divisional Magistrate. The injuries are duly corroborated by the medical evidence and also supported by the reply filed by the state in which investigation was conducted regarding medical and is found to be correct. Undoubtedly, the complainant also has cases against him but it is not a ground to grant bail to the petitioner. Considering the serious nature of offence and the weapon i.e. kirpan which was used in the crime to cause injury towards the head and blow of which on the shoulder of victim resulted in fracture and that there are six injuries on the person of victim including grievous injuries, the petitioner is not entitled to anticipatory Bail.

10. The petitioner acted with cruelty which is corroborated with the nature of injuries.

11. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

12. 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.

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

14. **Petition dismissed.** Interim order dated 01.08.2025 qua stay of arrest is recalled with immediate effect. All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)
JUDGE**

**19.08.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].