

2025:PHHC:010570



107.

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

CRM-M-3752-2025

Date of decision: 23.01.2025

Kulwinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in case FIR No.128, dated 27.10.2024 under Sections 115(2), 118(1), 117(2), 118(2), 3(5) of BNS, 2023, registered at Police Station Goraya, District Jalandhar (Rural).

Learned counsel for the petitioner submits that a false case has been registered against the petitioner. It is a case of version and cross-version, wherein the occurrence in question was initiated by the complainant's side. It has been further submitted that the complainant and his friend attacked the petitioner and his co-accused, causing injuries, as is evident from the MLR of the petitioner annexed as Annexure P-3; despite the petitioner and co-accused informed the police about this unwarranted attack, the police refused to register an FIR against the complainant's side.

It was only with great difficulty that, on 31.10.2024, the petitioner and co-accused managed to have their version recorded as a DDR (Annexure P-2).

It has also been argued that most of the injuries sustained by the injured, particularly those attributed to the petitioner, are superficial abrasions on non-vital parts of the body with only 02 injuries being declared grievous.

I have heard learned counsel for the petitioner and perused the material placed on record.

As per the allegations in the FIR, the petitioner, along with co-accused, intercepted the brother of the complainant and attempted to force him to consume alcohol. When he refused, the petitioner and the co-accused allegedly assaulted him by slapping him and inflicting an iron rod blow respectively. Upon returning home, the brother of the complainant informed the complainant about the assault. Subsequently, the complainant accompanied by a friend (injured), approached the petitioner and his co-accused at the spot of the incident. There, the petitioner and his co-accused, who were already seated and were allegedly armed with lethal weapons, such as, an iron rod and a *datar*, inflicted multiple injuries upon the injured with their respective weapons. The allegations are prima facie corroborated by the MLR of the injured; the petitioner also has been attributed multiple injuries with a *datar* including 02 grievous injuries on the person of the injured.

In total, the injured sustained as many as 20 injuries (with 08 out of those injuries being attributed to the petitioner), across various parts of his body, which cannot be with a friendly hand. In contrast, the injuries allegedly sustained by the petitioner's side are limited to mere abrasions.

Notably, there is a 04 days delay by the petitioner and his co-accused in recording their version before the police, which, at this stage, appears to be an afterthought. Moreover, the injured was immediately taken to the hospital and medico-legally examined.

Given the serious and specific role attributed to the petitioner, who was armed with a *datar* and used it to inflict injuries upon the complainant's side, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Present petition stands dismissed accordingly.

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.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2025

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No