

CRM-M-21847-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21847-2024
Reserved on: 10.07.2025
Pronounced on: 31.07.2025

GAURAV KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lovepreet Singh, Advocate for the petitioner.

Ms. Navreet K. Barnala, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	24.09.2023	GRP Abohar, District Fazilka	326, 324, 323, 506, 34 of IPC (Sections 201 and 307 of IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. As per paragraph 11 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"Statement of Satish Kumar son of Gyan Chand, resident of Petrol Pump WaliGali, Near Baba Ganga Ram Stadium, Gidderbaha, Police Station Gidderbaha, District Sri Muktsar Sahib, aged about 59 years, Mobile No. 62800-50139. Stated that I am resident of the abovementioned address and I am doing the wool and hand fans shop at Gidderbaha City. Yesterday on 23.09.2023, I in order to take hand fans, I after boarding from Railway Station Gidderbaha had come to Malout City via train and I after taking hand fans had boarded from Railway Station Malout at about 19/30 hours for Railway Station Gidderbaha and the train after moving from Railway Station Malout reached near Railway Station Fakarsar, then my nephew Gaurav Kumar son of Bharat Bhushan, resident of Sikh Mohalla, Near MandiWalaGurudwara, Ward No. 03, Gidderbaha, Police Station Gidderbaha, District Sri Muktsar Sahib and Sahil Wadhwa son of Som Parkash, resident of Lachhmi Nagar, Street No. 03, Ward No. 14, Gidderbaha, Police Station Gidderbaha, District Sri Muktsar Sahib, who were also boarding in the same very train at once while raising lalkaras started saying that today we do not spare you, then Sahil gave blow with the kappa carried in his right hand to me and the first blow hit on my cheek and the skin after being removed fell in the train and Sahil gave second blow on my forehead and again Sahil gave third

blow on the right side of head and on being hit by kappa, the skin of my head fell into the train itself, thereafter Gaurav with the kappa carried in his right hand gave three consecutive blows to me and the first kappa blow hit on the left side of my head, again Gaurav gave kappa blow which also hit on the left side of my head and in order to save my head raised my left hand above head, which hit on the wrist of my left hand. Again Sahil gave kappa blow to me, which hit on the little finger of my left hand and my little finger after having been cut fell in the train itself. On account of sustaining injuries, I fell into the train and while I was lying waylaid, then Sahil gave blow with his kappa to me, which hit just above the wrist of my right hand. Then Sahil gave another blow with kappa to me while I was lying waylaid in the train, which hit just above the wrist of my right arm. Then I raised the raula of Marta marta, then the passengers boarding in the train raised the raula of Na Maaro Na Maaro, then the train had also been stopped, at that time the guard of the train had also come in our compartment. My nephew Sahil and Gaurav with their kappas after jumping from the train had fled away. Regarding this occurrence, I gave information to my son Anurag through telephone that Gaurav and Sahil have inflicted injuries to me. I have been coming to Railway Station Gidderbaha via train. Thereafter the passengers travelling in the train maintained me and after giving first aid brought me at Railway Station Gidderbaha, where my son Anurag met me at the Railway Station and who after loading me in the ambulance of Vivek Ashram Gidderbaha took me away to Civil Hospital Gidderbaha for treatment, where the on duty staff of Civil Hospital Gidderbaha after giving me first aid directed me to be admitted in some other hospital. Thereafter my son has got me admitted through ambulance for treatment at Kasmoo Super Specialty Hospital, Bathinda, where my treatment has been going on, where my son Anurag told that my nephew Gaurav Kumar son of Bharat Bhushan, resident of Sikh Mohalla, Near Mandi Wala Gurudwara, Ward No. 03, Gidderbaha, Police Station Gidderbaha, District Sri Muktsar Sahib and Sahil Wadhwa son of Som Parkash, resident of Lachhmi Nagar, Street No. 03, Ward No. 14, Gidderbaha, Police Station Gidderbaha, District Sri Muktsar Sahib have come to this hospital in order to meet me with excuse, they may be apprehended just now. The motive behind the occurrence of inflicting injuries is that on account of having no issue of mine, I have since adopted Anurag. My nephews with the intention to occupy over my property have inflicted injuries to me and have extended threat to me. Therefore, appropriate legal action may be taken against both these youths. On account of sustaining injuries on both my hands, dressings have been tied and I have been appending my thumb impression. The statement has been got recorded, gone through, heard, the same is correct.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further 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. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of petitioner

6. That role of the petitioner Gaurav Kumar is that he gave three kappa blow on the person of the complainant/victim Satish Kumar as under:-

i) Two Kappa blow was hit on the left side of head of complainant/victim.

ii) One Kappa Blow which hit on the left wrist of the complainant/victim Satish Kumar.

Evidence against petitioner

7. That evidence against the petitioner is that the complainant/victim Satish Kumar is himself eye witness and medical record (Annexure R-1) of complainant/victim evidence against the petitioner."

REASONING:

8. Given the nature of injury and manner of attack by the petitioner, which is heinous, does not entitle him to bail.

9. 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 bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around 01 year and 09 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

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. The petitioner would be at liberty to file a fresh bail petition after three years of custody.

**(ANOOP CHITKARA)
JUDGE**

31.07.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.