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

CRM-M-9730-2025

Date of Decision: 03.03.2025

Balraj Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Abdul Aziz, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Sparsh Chhiber, Advocate (through VC)
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.71 dated 26.10.2023, registered under Sections 451, 323, 506, 34 of IPC (offence under Sections 452, 325, 324 of IPC added later on), at Police Station Sandaur, District Malerkotla.

2. The FIR in the present case was registered on the basis of the statement made by Gurkamal Singh and the said statement, which is on the basis of the FIR, has been reproduced below:-

“Statement of Gurkamal Singh son of Balbir Singh resident of Village Ahan Kheri Ahano, P.S. Sandaur District Malerkotla aged about 17 years, 6284996561, stated that I am resident of above mentioned address and studying in +2 class. On 16.10.2023 my father and sister Sukhandeep Kaur



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went to house of our relatives, and my mother has gone to Malerkotla for some house hold work. I was present in the house along with my maternal grand mother Paramjit Kaur and maternal grand father Bagga Singh. My maternal grand father is bed rider due to his sickness. At about 1:40 p.m. I was sitting in my room and my maternal grand mother was present in the cattle room, suddenly our neighbourers Balraj Singh, Daler Singh son of Gurwinder Singh @ Giani, Paramvir Singh son of Sukhwinder Singh @ Billa resident of Ahan Kheri came there. Daler Singh was having kirch in his hand, he gave a kirch blow on my head which he was holding in his hand and which hit in the centre of my head due to which blood started oozing out and Balraj Singh gave me fist blow on my face and Paramvir Singh hold me from my neck and gave me fist blow. Then I became unconscious. All of three were giving threats to me that if I told anybody then we will see you after some time I got conscious. Then I went to Jagraj Singh @ Kala resident of Rurka on motor cycle who got admitted me in the civil hospital Malerkotla for treatment. When my mother Kuldeep Kaur came to Hospital at Malerkotla then she told me that my grand mother had seen Balraj Singh, Daler Singh and Paramvir Singh were coming out from my room. But she got feared. The grudge of this enmity is that above mentioned persons were staring me therefore, they have given beatings to me after coming into our house. Sd/- Gurkamal Singh.”

3. Learned counsel for the petitioner contends that the FIR in the present case has been registered after an inordinate delay of 10 days and no plausible explanation has been given for the said delay. He further contends that the petitioner was neither present at the spot nor he was involved in the occurrence and a false role has been assigned to him by the complainant. Learned counsel further contends that even the offence under Section 452 IPC



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has been added in the present case after a long delay, just to make the offence graver. The petitioner is a young boy and is neighbour of the complainant and there was no previous enmity between the parties. He further contends that the petitioner is ready to join the investigation in the present case.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had given a fist blow on the nose of Gurkamal Singh, complainant and the said injury resulted into a fracture. He further contends that in fact, the petitioner along with other accused had trespassed in the house of the complainant and had caused injuries to him. Apart from that, one FIR i.e. FIR No.14 dated 26.02.2025 under Sections 296, 351(2), 191(3), 190 of BNS, at Police Station Sandaur has been registered against Balraj Singh. Apart from that one more FIR i.e. FIR No.142 dated 25.10.2024 under Sections 109(1), 333, 115(20, 126(2), 351(3), 190, 191(3), at Police Station Amargarh, District Malerkotla was also registered against Balraj Singh. Moreover, the present petitioner has uploaded the videos on instagram, whereby he was threatening the complainant in the present case. Thus, there are chances of tampering with the prosecution evidence and the petition may kindly be ordered to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, there are serious allegations against the petitioner to the effect that the petitioner alongwith other co-accused had trespassed in the house of the complainant and had caused serious injuries to him. Even the petitioner gave a blow with a fist on the face of the injured, which caused fracture on the nose of the complainant. Even after this, the



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petitioner did not stop and he alongwith his co-accused had uploaded videos on the instagram, extending threats to the complainant side. Thus, it is established that there are reasonable chances of tampering with the prosecution evidence. Apart from that, the custodial interrogation of the petitioner would be required to know the names of the other co-accused and the police is yet to recover the mobile phone/gadgets, from which the instagram posts were uploaded.

7. Keeping in view the aforesaid facts, the present petition is ordered to be dismissed.

03.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No