

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17303-2024
Date of Decision : April 25, 2024

JAGSEER SINGH -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Neeraj Jain, Advocate (Through V.C.)
for the petitioner.

Mr. Raghav Garg, A.A.G, Punjab.

Mr. J.K. Singla, Advocate and
Ms. Ritika Ravish, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.09 dated 31.01.2024, under Sections 307, 326, 323, 148, 149, 120-B of the IPC, registered at P.S. Joga, District Mansa.
2. In the horrifying incident, which constituted the bedrock for registration of the present FIR, the complainant- Jagdeep Singh @ Jony has suffered an irreparable disability, inasmuch as, owing to a brutal assault committed by the petitioner and his co-accused with sharp edged weapons, the complainant's right became amputated.
3. The relevant portion of the complainant's statement, based whereupon the present FIR has been registered, and, which is narrated in paragraph No.3 of the order dated 20.03.2024, whereby the learned

Additional Sessions Judge, Mansa, has declined anticipatory bail to the petitioner, is reproduced hereinafter:-

“....on 31.01.2024, Jagdeep Singh @ Jony-complainant made a statement with police to the effect that he is studying in Mai Bhago College, Ralla. Shellypreet @ Shelly, Baban Singh and Jaspreet Singh @ Jassu are also studying in the college. On 30.01.2024, he was going to Dera Baba Jogi Peer, Ralla on his motor-cycle to pay obeisance. Harpreet Singh, who is his cousin, met him near Baba Jogi Peer, who was in a car. He on his motor-cycle and Harpreet Singh in his car proceeded towards Jogi Peer. They reached at the said Dera Baba Jogi Peer. In the meantime, Shellypreet Singh @ Shelly armed with ‘Dah’, Jaspreet Singh @ Jassu armed with ‘gandasa’, Baban Singh armed with ‘sotti’, Kalu and 4 unknown persons armed with ‘sotties’ came there on motor-cycles. Sheelypreet Singh stated that Jagdeep Singh be taught a lesson for abusing their friend Ram Singh and should not be left alive. Thereafter, all of them attacked him with an intention to kill and gave many injuries with their weapons to him. Shellypreet Singh gave many blows near ankle of his right leg with ‘Dah’. Jaspreet Singh alias Jassu gave many blows with ‘gandasa’ on the same place i.e. near ankle of his right leg. Other persons gave him ‘sotti’ blows which struck at his back, back side of his left shoulder, left bicep, right eye, beneath chin, left leg, ankle of left leg and other parts of his body. Shellypreet Singh and Jaspreet Singh @ Jassu amputated his right leg near ankle and that part separated from his leg. He and Harpreet Singh raised raula. Thereafter, the assailants ran away with their weapons. This incident took place at about 3 PM. The main person of Shellypreet Singh and others is Ram Singh. They caused injuries to him at the asking of Ram Singh. Harpreet Singh put him in his car and picked amputated portion of the leg and got him admitted in DMC Hospital, Ludhiana, where he is under treatment. Amputated portion of the leg was handed over to the doctor. Motive for the said occurrence is that he had dispute with Sheelypreet Singh and Jaspreet Singh earlier. Due to that reason, Sheelypreet Singh and others caused injuries to him....”

4. The record reveals that, on the basis of supplementary statement of the complainant, a DDR No.42 dated 05.02.2024 was registered, thereby nominating the petitioner and some of his co-accused as accused in the present case.

5. A Co-ordinate Bench of this Court had, on 08.04.2024, while extending the relief of interim bail to the petitioner, passed the hereinafter extracted directions upon the respondent-State.

“...The concerned DySP to file/hand over their reply/response/instructions/Status report, positively by the next date, failing which, this Court might direct the officer superior to them to do so. The reply/response/ instructions/Status report shall also mention the following under headings:-

A. The role of the petitioner.

B. The evidence against the petitioner.

C. In case of dismissal of this petition, would the police arrest the petitioner in the FIR, and do they need the accused's police custody?”

6. In compliance of the above directions, today the learned State counsel has filed a status report, on affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa, which is taken on record. In this status report, the role of the petitioner has been highlighted in the hereinafter extracted manner:-

“ROLE OF THE PETITIONER:-

From the investigation proceedings and per investigation from petitioner and other accused persons, it was established that on 30.01.2024, at the time when complainant reached on the main gate of Baba Jogi Peer Ralla, District Mansa, on his motorcycle, petitioner Jagseer Singh @ Jaggu had passed the signal to the rest of the accused persons about the arrival of the complainant, upon the signal by the petitioner, rest of the accused persons had attacked the complainant. It is further submitted that since serious

crime was committed by the accused persons including the petitioner, in case, petitioner is granted with the concession of regular bail there are chances of running of the petitioner from the trial of the case, winning over the witnesses of prosecution and tampering with the prosecution evidence.....”

7. Apart from highlighting the role of the petitioner, the status report (supra) also encompasses the details of injuries suffered by the complainant, which are also extracted hereunder:-

“As per the opinion regarding nature of injuries dated 14.03.2024 (Annexure R-1) given by the concerned doctor posted at DMC & Hospital Ludhiana, injury No. 2, 3, 4, 5 & 6 were declared to be caused by the sharp edged weapon, whereas injury No. 1, 7, 8, 9, 10, 11, 12, 13 & 14 were declared to be caused by the blunt edged weapon. Out of above mentioned injuries, injury No.1, 5, 7, 8, 9, 10, 11, 12 & 13 were declared to be simple in nature, whereas injury No. 2, 3, 4, 6 and 14 were declared to be grievous in nature. Investigation of the present case/FIR is still pending for want of arrest of remaining accused persons and awaiting report of FSL Mohali. On completion of investigation challan against the accused persons including the petitioner will be presented before the Ld. Competent Court of Law.....”

8. The *prima facie* inference, as spurs from the hereinabove made discussion, is that, the petitioner had actively participated in commission of a ghastly crime, which has left the petitioner disabled for the rest of his life. Moreover, the number of injuries, besides the nature thereof, clearly reflects the criminal mindset of the petitioner and his co-accused.

9. Consequently, considering the gravity of the offence(s), the nature of injuries suffered by the complainant, and, the role assigned to the petitioner, this Court does not deem it a fit and appropriate case for

extending the extraordinary relief of anticipatory bail to the petitioner.

Therefore, the instant petition is **dismissed**.

10. Needless to say, anything observed hereinabove is meant only for deciding the instant petition and the same shall not have any bearing on the outcome of the trial.

April 25, 2024
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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned

Whether Reportable

:

:

Yes/No

Yes/No