

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

**CRM No. M-25919 of 2016  
DECIDED ON: AUGUST 01, 2016**

**JASPREET SINGH**

**... PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**... RESPONDENT**

**CORAM:HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Amandeep Saini, Advocate  
for the petitioner.

**JASPAL SINGH.J**

Instant petition has been preferred under Section 438 Cr.P.C. by Jaspreet Singh seeking pre-arrest bail in case FIR No. 40 dated May 18, 2016 under Sections 452, 353, 186, 332, 333, 427, 148 and 149 IPC (Section 307 IPC added later on) registered at Police Station Chatiwind, District Amritsar.

2. The contention of learned counsel for the petitioner is that petitioner is a student of 11<sup>th</sup> standard and is aged about 18 years. He as well as his friend Rajvir were beaten mercilessly by the complainant, who is none else but their teacher for using mobile phone in the school. When their parents alongwith other respectables of the village including the Members of Panchayat went to the school to lodge protest against the acts of the complainant, the alleged incident occurred, petitioner was not present in the school. When the parents of the students were lodging

protest, the complainant lost his temper and started hurling abuses not only to the parents but also to the other persons present there. The scuffle took place between the complainant and the parents of the petitioner. One Gurpreet Kaur who was present there tried to intervene but fell down on the flower pot and sustained minor injuries on her neck. Moreover, an injury appearing on the person of Gurpreet Kaur has been attributed to Kabal Singh. No injury has been ascribed to the present petitioner. In fact, during the course of occurrence, no weapon was used by any person. The FIR in question has been got registered by the complainant by concocting a false story. He was given beatings by 50-60 boys but the injuries alleged to have been sustained by him are simple in nature, which shows the falsity of allegations. Petitioner is ready to join the investigation and to abide by all the conditions imposed by this Court, in case he is granted the concession of pre-arrest bail.

3. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner but does not find any legal or factual weight, in view of the fact that not only petitioner but his accomplices who are 50-60 in numbers, formed unlawful assembly and barged into the premises of school after scaling over its boundary wall and created an atmosphere of terror by causing injuries to the teacher(s), obstructed in performing duties resulting in violation of the school discipline. Petitioner as well as other students were simply scolded by their teacher to maintain the school discipline. They were never authorized to use mobile phone in the school premises. The discretion as envisaged in Section 438(2) Cr.P.C., which is otherwise required to be exercised in an

exceptional cases. Otherwise also, the grant of concession of pre-arrest bail in such a case would deprive the investigating agency for proper investigation.

4. In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, the same is dismissed.

AUGUST 01, 2016  
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(JASPAL SINGH)  
JUDGE

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|---------|-------------------|--------|
| Whether | Speaking/Reasoned | Yes/No |
| Whether | Reportable        | Yes/No |