

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 103

Criminal Miscellaneous No.M-28172 of 2016 (O & M)

Date of Decision: *August 23, 2016*

Jagraj Singh @ Jagga

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Karanjit Singh, Advocate, for the petitioner.

. . .

Jaspal Singh, J

1. This is a petition under Section 438 Cr.P.C., preferred by petitioner – Jagraj Singh @ Jagga, seeking pre-arrest bail, apprehending his arrest in case FIR No.34 dated June 7, 2016 under Sections 323, 324, 326, 341, 148, 149 IPC registered at Police Station, Khem Karan, District Tarn Taran.

2. Learned counsel for the petitioner has submitted that petitioner has been falsely implicated in this case. Petitioner has attributed Lalkara and the injury attributed to him is on the non vital part of the body. Co-accused of the petitioner, namely, Sukhdev Singh @ Sukha Singh has already been granted the concession of bail by this Court vide order dated August 10, 2016 passed in *CRM-M No.26724 of 2016*. He is ready to join

the investigation and shall abide by all the terms and conditions imposed by the Court in case he is granted the concession of interim bail.

3. The instant case has been registered on the statement of Gurpreet Singh. As per the allegations of the prosecution, petitioner is attributed lalkara and a sword blow to the complainant.

4. As per the case of the prosecution, on June 6, 2016, complainant along with his uncle Narinder Pal Singh, resident of Mashi Ke was going towards Village Cheege on motorcycle to bring a tractor mechanic for repairing their tractor. When they were returning to their village, near railway crossing, one Honda City Car was parked where petitioner Jagraj Singh @ Jagga was standing armed with a sword, talking with Daler Singh son of Mohan Singh and his brother Chanan Singh on the road and did not give them passage to cross the way. In the meantime, Sukha Singh son of Mahinder Singh armed with datar, Resham Singh son of Mohan Singh armed with baseball, Surat Singh son of Tehal Singh armed with danda came out of the car, whereafter, petitioner Jagraj Singh @ Jagga raised lalkara to catch the complainant and teach him lesson for starting a dispute. Resham Singh gave a baseball blow on the complainant which hit on his right shoulder. Jagraj Singh @ Jagga gave a sword blow hitting on his right arm, Sukha Singh gave a dattar blow which hit on the right thigh of the complainant, Daler Singh gave a daang blow which landed on his right arm's daula, Chanan gave a baseball blow hitting his left leg's thigh, Surat Singh gave a daang blow which hit on the waist of the complainant. Thereafter, on complainant's making noise "*Marta Marta*", his uncle rescued him by intervening and the accused persons ran away towards village along with their respective weapons in Honda City Car.

5. As per the FIR, there are specific and categoric allegations against the petitioner and his co-accused. Petitioner is attributed lalkara and a sword blow on the complainant resulting into grievous injury. Moreover, recovery of sword is yet to be effected which is only possible through custodial interrogation. Thus, this Court is of the considered view that there is no ground to exercise discretion envisaged under Section 438 Cr.P.C. qua the petitioner. Resultantly, there is no merit in the instant petition and the same is hereby dismissed.

August 23, 2016

m. sharma/avin

(Jaspal Singh)
Judge

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No