

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-22590 of 2017
Date of Decision: 22.09.2017

Jagroop Singh and othersPetitioners

VERSUS

State of PunjabRespondent

2. CRM-M-23585 of 2017

Pritpal SinghPetitioners

VERSUS

State of PunjabRespondent

3. CRM-M-23842 of 2017

Karamjit SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Sullar, Advocate
for petitioners in all the petitions.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. H.I.S. Garewal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 121 dated 08.05.2017 registered for offences punishable under Sections 307, 452, 324, 323, 427, 506, 148 read with Section 149 of Indian Penal Code (for short 'IPC'), at Police Station Dakha, District Ludhiana.

Heard.

Instant FIR was registered on the statement of complainant-Gurjeet Singh son of Jagga Singh, wherein he has stated that village boys have fixed a net for playing badminton at a common place. On 05.05.2017, Jagwant Singh @ Jagga (non-applicant) forcibly removed the badminton net at which Gulbagh Singh asked him not to do so but Jagwant Singh @ Jagga told him that the land belongs to their *patti* and has been developed by spending money as playing ground for children of their *patti*. Gulbagh Singh narrated the incident to complainant-Gurjeet Singh, who asked him not to indulge in any dispute and the matter will be reported to the police at which Gulbagh Singh went to his house. On 06.05.2017, Gulbagh Singh and other boys were playing badminton after fixing a new net, when Jagwant Singh @ Jagga came there at about 07.30 p.m. and started hurling abuses. Gulbagh Singh and other boys, who were playing there, went to their houses and the matter was reported to the police. The police came to their village and asked both the parties to come to police station at about 09.00 a.m. At about 08.00 a.m., complainant was waiting for Gulbagh Singh to go to police station, who came to him on his TVC motorcycle. In the meanwhile, a Pick Up open jeep of silver colour came there, which was being driven by Jagwant Singh @ Jagga and 7 other persons were in that jeep. They were armed with sharp edged weapons. In order to kill Gulbagh Singh, Jagwant Singh @ Jagga hit motorcycle of Gulbagh Singh with the jeep, who fell on the ground and then went to the house of complainant. On the *lalkara* of Jagwant Singh @ Jagga not to spare Gulbagh Singh, petitioners Jagroop Singh, Harinder Singh, Karamjit Singh, Tejwant Singh and Varinder Singh armed with *kirpan*, Harminder Singh and Pritpal Singh armed with *tokki* jumped from the jeep and entered the house of

complainant. Petitioner no. 2-Harinder Singh in CRM-M-22590-2017) gave a *kirpan* blow on the head of complainant, which hit little finger of his right hand, when he put the same on the head to save the blow. Assailants dragged complainant and Gulbagh Singh outside. Petitioner-Karamjit Singh in CRM-M-23842-2017 gave a *kirpan* blow on the head of Gulbagh Singh and the other accused also caused injuries to him with their weapons. Complainant had fallen on the ground and was also given kick blows. Jaspreet Singh son of Davinder Singh and Bikramjit Singh son of Bhagwant Singh were attracted to the spot on hearing *rolla* and got complainant and Gulbagh Singh released from the assailants, who left the spot after giving threats. Complainant and Gulbagh Singh were taken to D.M.C. Hospital, Ludhiana, where ASI Tarsem Lal of Police Station Dakha recorded statement of complainant.

Learned State counsel has argued that complainant had received one injury on his finger while Gulbagh Singh had suffered eight injuries. Petitioners Pritpal Singh (in CRM-M-23585-2017), Karamjit Singh (in CRM-M-23842-2017), Harinder Singh and Tejwant Singh (in CRM-M-22590-2017) have been attributed simple injuries on the person of Gulbagh Singh while petitioners Jagroop Singh, Varinder Singh and Harminder Singh (in CRM-M-22590-2017) caused him grievous injuries. The police has recorded statement of Gulbagh Singh, who has attributed injuries to petitioners. Karamjit Singh on the side of accused-petitioners had also suffered injuries, which were declared simple in nature. Though, petitioner-Karamjit Singh has named eight persons in the cross-version but the police has arrested complainant-Gurjeet Singh and Gulbagh Singh for the injuries caused to him.

Petitioners have though joined the investigation but weapons of offences are still to be recovered. Injuries on the person of Gulbagh Singh were grievous and serious in nature. Petitioner-Karamjit Singh had also been convicted in a case bearing FIR No. 139 dated 24.08.2006, registered at Police Station Model Town, Ludhiana vide judgment dated 30.01.2015 by Judicial Magistrate, Ist Class, Ludhiana. Against petitioner-Harinder Singh, a case for offence punishable under Sections 376-D and 120-B IPC has been registered at Police Station Dakha vide FIR No. 157 dated 14.08.2016.

Learned counsel for petitioners has argued that it is a case in which police has played a partisan role. In the occurrence, eight injuries were suffered by petitioner-Karamjit Singh (CRM-M-23842-2017). Injuries were serious in nature. Injury no. 1 was on the left lateral abdominal region 5 cm. below left subcostal margin, 1 cm lateral to mid-clavicular line, 6 cm. above umbilicus. Injury no. 2 was incised wound on left lateral abdominal wall.

This Court has taken note of above fact while passing order dated 20.07.2017 in CRM-M-23585-2017 and three other connected petitions and direction was issued to Senior Superintendent of Police, Ludhiana (Rural) to seek opinion of Medical Board. On examination of injuries of Karamjit Singh, Medical Board has sent its opinion stating therein that two injuries found at the time of examination of Karamjit Singh, were not even mentioned in the MLR. However injuries on the person of Karamjit Singh were simple in nature.

Admittedly, it is a case of cross-version. While there were nine injuries on the person of complainant-Gurjeet Singh and Gulbagh Singh,

seven injuries were also found on the person of petitioner-Karamjit Sing (in CRM-M-23842-2017), which are as follows:-

- “1. 3 X 1.5 X 1.5 triangular incised wound present on the left lateral abdominal was 5 cm below left subcostal margin 1 cm lateral to mid-clavicular line, 6 cm. Above umbilicus. (Adv. CECT abdomen & surgery consult).*
- 2. 2 X 1 cm. incised wound present on the left lateral abdominal wall, lateral to wound no. 1 in ant. axillary line. (Adv. CECT abdomen & surgery consult).*
- 3. Long linear abrasion of 35 cm approximately present diagonally across back of patient.*
- 4. Linear abrasion of approximate 3 X 1 cm near right elbow tailing proximally.*
- 5. 2 X 1 cm. incised wound with approximate 1 cm. depth tailing proximally on right knee. (Adv. Ortho consult).*
- 6. 8 cm. incised wound present on centre of heel with clean edges. (Adv. Neuro-surgery consult)*
- 7. 1 X 1 wound with lacerated margins present on medial side of right ankle. (Adv. Ortho consult).”*

The Medical Board at the time of examination of petitioner-Karamjit Singh found following signs of injuries on his person:-

- “(a) Sutured scar mark (healed) present over the abdomen corresponding to injuries no. 1 and 2 in MLR No. 34793 dated 07.05.2017 done at DMCH Ludhiana.*
- (b) Linear scar corresponding to injury no. 3 present at lower border of injury no. 3.*

- (c) *Linear scar 6" on left infrascapular region at lower border of injury no. 3.*
- (d) *7" linear scar on right sacral region transverse in direction (c&d) injuries not mentioned in MLR No. 34793 dated 07.05.2017).*
- (e) *Spindle shaped scar 3x1 cm on lateral aspect right elbow corresponding to injury no. 4 with 3" tailing at lower border and 2" tailing at upper border.*
- (f) *1" healed scars two in number on medical aspect of right ankle, 2" apart corresponding to injury no .7.*
- (g) *Healed scar on the vertex corresponding to injury no. 6.*
- (h) *Spindle shaped healed scar over right knee corresponding to injury no .5.*

As per x-ray report no. 259768 dated 07.05.2017 of DMCH pertaining to Karamjit Singh, none of the x-rays showed gross-fracture. (Reported by Dr. Satwant Singh and Dr. Gurkamal).

As per the discharge summary produced by the police to the Medical Board pertaining to Karamjit Singh (Cr. No 259768).

USG abdomen 07.05.2017 – No free fluid and no solid organ injury.

NCCT Head and CECT abdomen done on 08.05.2017 shows no significant intra abdominal abnormally and also no significant intra cranial pathology. Discharge summary also shows that patient Karamjit Singh had stable vitals and was managed correctively except for primary wound scrutiny and was discharged in satisfactory condition."

Petitioner-Karamjit Singh has attributed one injury each to complaint and Gulbagh Singh. While in cross-version eight persons were named but only two were arrested. Petitioners, Pritam Singh (in CRM-M-23585-2017), Karamjit Singh (in CRM-M-23842-2017), Harinder Singh and Tejwant Singh (in CRM-M-22590-2017) have been attributed simple injuries on the person of Gulbagh Singh while grievous injuries on his person were attributed to petitioners, Jagroop Singh, Varinder Singh and Harminder Singh (in CRM-M-22590-2017).

The dispute pertains to playing of badminton on a common land, which accused were alleging that it belongs to their *patti* and had been developed by them after spending money. The fact that petitioner-Karamjit Singh was convicted in another case bearing FIR No. 139 dated 24.08.2006 and against petitioner-Harinder Singh a case for offences punishable under Sections 376-D and 120-B IPC has been registered vide FIR No. 157 dated 14.08.2016, has no bearing on the facts of present case. Keeping in view the fact that it is a case of cross-version, where injuries were suffered by persons on both sides, and that petitioners have joined the investigation, I do not find that any purpose will be served by keeping them in custody.

Without expressing any opinion on the merits of the case, all the three petitions are allowed. Orders dated 23.06.2017 and 20.07.2017 passed in respective petitions are made absolute till presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or

- to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

September 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No