

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 203(3)

Case No. : Crl. Misc. No. M-39245 of 2016

Date of Decision : February 09, 2017

Jaskaran Singh alias Jassa Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Ravi Malhotra, Advocate
 for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. H. S. Brar, Advocate
for the complainant.

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DEEPAK SIBAL, J. :

In compliance with the order of this Court dated 01.02.2017, Status Report, by way of affidavit of Davinder Kumar, PPS, Assistant Commissioner of Police (Cantonment), Jalandhar, filed today in Court, is ordered to be taken on record. Copy of the same has been handed over to learned counsel for the petitioner.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 67 dated 08.05.2016, registered under Sections 307, 323, 324, 341, 506, 148, 149 IPC (Section 326 IPC added later on), at Police Station Sadar Jalandhar, District Jalandhar.

As per the allegations in the FIR, the petitioner has been

attributed a grievous injury with a sharp-edged weapon to the complainant Harpreet Singh.

Learned counsel for the petitioner, seeking anticipatory bail for the petitioner, submits that the complainant received four injuries and due to party faction in the village, has implicated four persons including the petitioner; the injury attributed to the petitioner is on a non-vital part and that the petitioner has joined the investigation. In support of his case, learned counsel for the petitioner relies upon a judgment of this Court in **Rajinder Kumar vs. State of Punjab and another – 2016 (1) Law Herald 891.**

Learned counsels for the State as also the complainant oppose the grant of bail.

A perusal of the Status Report, which has been filed by the State in Court today, shows the petitioner's involvement in other criminal cases, the details of which are as under :-

1. FIR No. 12 dated 20.01.2010, registered under Sections 323, 324, 452, 506, 148, 149 and 326 IPC, at Police Station Sadar, District Jalandhar and
2. FIR No. 33 dated 14.02.2011, registered under Sections 307, 308, 326, 325, 324, 323, 427, 148, 149 IPC, at Police Station Sadar, District Jalandhar. In this case, the petitioner has been convicted and appeal filed before this Court against such conviction is pending. The petitioner is stated to be on bail.

The Status Report further goes on to state therein that vide

DDR No. 36 dated 07.11.2016, the petitioner along with other co-accused Inderpreet Singh, after the lodging of the FIR in which the petitioner through the present petition seeks anticipatory bail, way-laid two of the eye-witnesses and abused and manhandled them. The eye-witnesses are further alleged to have been hurled threats that in case they make any statement against the petitioner, they would be beaten up like the complainant Harpreet Singh. The matter is stated to be under investigation.

The injury attributed to the petitioner is grievous and alleged to have been inflicted with a sharp-edged weapon. As per the above-referred status report, the petitioner has been involved in other criminal cases and that while on bail in one or the other criminal cases, is alleged to have committed other criminal offences. He has thus misused the concession of bail granted in those criminal cases. As per DDR No. 36 dated 07.11.2016, which is also referred to in the status report filed by the State, the petitioner, along with co-accused Inderpreet Singh, has threatened eye-witnesses in the FIR in which he seeks anticipatory bail, with dire consequences in case they support the case of the prosecution.

In view of the above, I do not consider the present case to be a fit one for the grant of anticipatory bail and am further of the opinion that in the case in hand, custodial interrogation of the petition is warranted.

The judgment of this Court cited by learned counsel for the petitioner in **Rajinder Kumar's** case (*supra*) does not support the case of the petitioner as the facts of that case are clearly distinguishable. The petitioner in **Rajinder Kumar's** case (*supra*) was found not to have been

involved in any other criminal case and that there were no allegations against him to have threatened eye-witnesses.

Resultantly, the present petition is dismissed.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 09, 2017
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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.