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

**CRM-M No.1592 of 2018
Date of Decision: 24.01.2018**

Jagjit Singh @ Joga

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Amit Gupta, Advocate and
Mr. Vipin Mahajan, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.89 dated 09.12.2017, registered under Sections 307, 323, 148, 149 IPC at Police Station Sri Hargobindpur, District Batala.

Brief facts are that the complainant Kulwant Singh lodged the FIR with the allegations that on 08.12.2017, he along with his brother Jaswant Singh had come to Sugar Mill at Kiri Afgana in the morning on their tractor in connection of

transportation of sugarcane. They parked their trolley near the Sugar Mill. In the evening, outer gate of the Sugar Mill was lightening with electricity bulb. A tractor-trolley was coming being driven by Rajinder Singh @ Nitta. Jagtar Singh @ Lali and Jagjit Singh @ Jagga were sitting on the said tractor. Both were known to the complainant because they used to take tractor trolley at Sugar Mill. Rajinder Singh @ Nitta put his tractor-trolley ahead of the trolley of the complainant. Brother of the complainant namely Jaswant Singh objected to it and they got down from their tractor. In the meantime, Rajinder Singh @ Nitta armed with *datar*, Jagtar Singh @ Lali and Jagjit Singh @ Jagga both armed with *dang* also stepped down from the tractor. Rajinder Singh @ Nitta made a call from his mobile phone in order to call other persons also at the spot. In the meanwhile Jagtar Singh @ Lali raised *lalkara* and exhorted that the complainant party should not be allowed to escape and they should be taught lesson for stopping them to put their tractor ahead of their tractor trolley. Rajinder Singh @ Nitta gave a *datar* blow on the head of Jaswant Singh. Jagtar Singh @ Lali and Jagjit Singh @ Jagga also gave *dang* blows on the head of Jaswant Singh. When the complainant came forward to save his brother Jaswant Singh then, Jagtar Singh @ Lali and Jagjit Singh @ Jagga gave *dang* blows on the waist of the complainant. On raising alarm by the complainant, brother of

brother-in-law of the complainant namely Inderjit Singh came to the spot and thereafter accused persons fled away from the spot with their respective weapons.

Learned counsel for the petitioner submitted that for the occurrence dated 08.12.2017, the FIR was registered on 09.12.2017 after due deliberations. As per allegations in the FIR head injury is not attributed to the petitioner, but to other accused. Only one injury was found on the head of Jaswant Singh as per MLR, therefore, the case is debatable.

On the other hand, learned State counsel assisted by learned counsel for the complainant, submitted that the injured Jaswant Singh was hospitalized on 09.12.2017 in Fortis Escorts Hospital, Amritsar and as per medical summary there was a severe head injury which on examination was found to be large lacerated wound present over head from right parietal across to left frontal region. The injury was bone deep. After CT scan evaluation, haemorrhagic contusions involving the parietal cortices bilaterally, SDH over the left cerebral hemisphere, Diffuse cerebral edema with depressed fracture of the parietal bones bilaterally and SAH were found. Nature of injury was declared to be dangerous to life. The injured remained unconscious and has virtually become crippled on account of the paralytic attack.

I have heard the submissions made by learned counsel for the parties.

From the allegations on record, it can be *prima facie* found that the petitioner is also an author of head injury on the person of Jaswant Singh and the said injury was found to be large so as to *prima facie* cover the injuries inflicted by the accused persons.

At this stage no conclusive opinion can be formed with regard to the fact that the injury allegedly inflicted by the petitioner was not the part of the injury which was found to be large enough for giving opinion of dangerous to life by the Doctor.

For the reasons mentioned hereinabove, no ground for the grant of anticipatory bail is made out. This petition is accordingly dismissed.

January 24, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No