

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

**CRM-M No. 64798 of 2018(O&M)
Date of Decision:-19.11.2019**

JATINDER SINGH @ GOLDY

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

Ms. Poonam Verma, Advocate
for the complainant.

ARUN KUMAR TYAGI,J. (ORAL)

CRM-46038-2018

This is an application under Section 482 Cr.P.C for exemption from filing certified/original copies of Annexures P-1 to P-5 and for permission to file true typed/translated copies of the same.

The application is allowed and the petitioner is exempted from filing certified/original copies of Annexures P-1 to P-5 and is allowed to place true typed/translated copies of the same on record as Annexures P-1 to P-5. Registry is directed to place them at appropriate place and paginate the paper book.

CRM-M No. 64798 of 2018

The petitioner has filed the present petition for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure,

1973 in case FIR No. 75 dated 29.05.2018 registered under Sections 307,341,342,364,323,324,506,148,149,427 and 201 of the Indian Penal Code, 1860 at Police Station Sadar, Dhuri District Sangrur.

The above said FIR was registered on the statement of Dharamjit Singh. In his statement, Dharamjit Singh alleged that on 28.05.2018 at about 8:30 PM, he was going on his motorcycle to visit the fields of his uncle Nihal Dass Chela Narain Dass Mahant resident of Ghanauri Kalan followed by his uncle Mahant Nihal Dass and his younger brother Karamjit Singh in their Innova Car. One black coloured Scorpio driven by **Jatinder Singh @ Goldy (the petitioner)** came. Co-accused Gurmail Singh, Saudagar Singh, Prithi Singh and Jagjit Singh @ Jaggi, who were armed with Kirpan, Iron Rod, Baseball bat and sticks respectively were sitting in the said Scorpio. Co-accused Gurmail Singh exhorted his co-accused to teach the complainant a lesson and inflicted blow with kirpan on his head towards right side while co-accused Prithi inflicted blow with baseball bat on his forehead towards right side, co-accused Saudagar Singh inflicted blow with iron rod on his back, Jagjit Singh inflicted blow with stick on his right leg. **Jatinder Singh @ Goldy (the petitioner)** inflicted blow with stick on his right leg. Thereafter Saudagar Singh hit blow with rod on his left leg, Prithi hit his right knee, Jagjit Singh @ Jaggi hit with stick his right leg and **Jatinder Singh @ Goldy (the petitioner)** hit his back with stick. When he raised hue and cry, his uncle Nihal Dass and brother Karamjit Singh reached and came to his rescue on which the assailants tried to run away with their respective weapons after breaking front glass and bonnet of car of his uncle-Nihal Dass. The assailants also took him in their vehicle to the house of co-accused Gurmail Singh, where

they washed his bloodstained clothes, gave him bath and made his video and asked him to confess that he had come to Gurmail Singh's house and threatened to kill him by burning. He came out from there by making requests and thereupon his uncle got him admitted in Civil Hospital, Dhuri. The complainant accordingly requested the police to take action against the above said assailants who had caused injuries to him with intention to kill him.

Learned Counsel for the petitioner has argued that the petitioner was not present at the place of occurrence and has been falsely implicated. The petitioner is alleged to have driven the car and to have inflicted blows with stick on right leg and back of the complainant and the injuries attributed to him were declared in the MLR to be simple in nature. In compliance with order dated 01.01.2019 the petitioner joined investigation and his custodial interrogation is not required in the case. Therefore the order granting interim anticipatory bail to the petitioner may be made absolute.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that the petitioner procured interim anticipatory bail order by suppressing material facts from the Court and did not disclose that the proceedings for declaring the petitioner as proclaimed offender have already been initiated against him and interim anticipatory bail granted to the petitioner was not extended by the Court vide order dated 08.01.2019. The petitioner was declared proclaimed offender by the Court. The petitioner has criminal antecedents, was involved in more than 10 cases and had also been convicted in a murder case. In view of the previous conduct and criminal background and also gravity of the offences involved,

the petitioner does not deserve the concession of anticipatory bail and the petition for anticipatory bail may be dismissed.

In reply thereto learned Counsel for the petitioner has submitted that the petitioner was acquitted in all criminal cases except one murder case where he was convicted but his sentence has been suspended by the Hon'ble Division Bench of this Court vide order dated 02.11.2017.

In the present case the petitioner is alleged to have caused injuries with stick on right leg and back of the complainant and the injuries attributed to the petitioner were declared to be simple. Even though interim anticipatory bail granted to the petitioner on 01.01.2019 was not extended on 08.01.2019 but thereafter interim anticipatory bail was extended on 07.02.2019. On grant of interim protection the petitioner joined the investigation which is stated to be complete and his custodial interrogation is not required in the case. The petitioner is a previous convict in a murder case but his sentence has been suspended by Hon'ble Division Bench of this Court. The petitioner could not be declared proclaimed offender after grant of interim anticipatory bail in the case. Keeping in view the facts and circumstances of the case but without commenting on merits in any manner I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore the petition is allowed and interim anticipatory bail order dated 01.01.2019 withdrawn on 08.01.2019 but again extended on 07.02.2019 is made absolute.

However in case of commission of any offence of similar nature by the petitioner in future the bail of the petitioner in this case shall also be liable to be cancelled on filing of application in this regard.

The petitioner shall also comply with the conditions enumerated in Section 438(2) of the Cr.P.C failing which the petitioner will not be entitled to the protection of this anticipatory bail order.

19.11.2019

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No