

In virtual Court

CRM-M-14516-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14516-2020 (O&M)
Date of decision: 15.09.2020

Jagtar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yagsimant Attri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gurmohan Bedi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-22447-2020

For the reasons stated in the application, same is allowed and copies of the MLR dated 02.03.2020 and supplementary MLR dated 03.03.2020 are taken on record as Annexure A-2 (colly.).

CRM stands disposed of.

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Prayer in this petition is for grant of anticipatory bail in DDR No.54 dated 04.03.2020 under Sections 323, 324, 326, 148, 149 & 341 IPC, registered at Police Station Longowal, District Sangrur in FIR No.30 dated

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03.03.2020, registered under Sections 323, 324 IPC, at Police Station Longowal, District Sangrur.

On 19.06.2020, the petitioner was granted interim bail, noticing the fact that it is a case of aggression and counter-aggression and it is difficult to ascertain, who was the aggressor, as both the parties suffered injuries. Thereafter, complainant Gurpreet Singh filed an application for being impleaded as respondent No.2 and the same was allowed vide order dated 01.09.2020.

Reply by way of affidavit of Investigating Officer/ASI Prem Singh, Police Station Longowal, District Sangrur is also filed in the Court and the same is on record.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered from the side of the petitioner, on the statement of one Ram Ditta Singh, when he along with Gagan Kumar went to house of Gurpreet Singh (complainant in the present DDR), there was a dispute regarding share in the property and Gurpreet Singh attacked with his kirpan and injured middle finger of his right hand as well as left hand. Thereafter, Ram Ditta Singh was taken to the hospital. This FIR was registered on 03.03.2020 with regard to the incident, which took place at 8.40 pm on 02.03.2020. As per the MLR of Ram Ditta Singh, four injuries were found and based on the medical opinion, FIR under Sections 323, 324 IPC was registered against complainant Gurpreet Singh.

It is further submitted that subsequently, DDR No.54 dated 04.03.2020 was registered on the statement of Gurpreet Singh under Sections 323, 324, 326, 341, 148, 149 IPC. As per version given by Gurpreet Singh,

there was a compromise regarding partition of agricultural land, but Jagtar Singh (petitioner) did not pay any heed to this compromise. On 02.03.2020, he attended the Panchayat and was asked to bring some documents and when, after taking the documents, he was going to house of Diyal Singh, Numberdar, Ram Ditta Singh was standing outside his house and stopped him. In the meantime, petitioner Jagtar Singh came out of the house with a gandasas in his hand and shouted that they will teach a lesson to Gurpreet Singh for claiming share in the house and property. Jagtar Singh attacked with a gandasas, which hit on the left side from ear to neck, Gurditt Singh son of Jagtar Singh brought kirpan and attacked him, which hit on the right thumb and it was amputated. When Jagtar Singh and Gurditt Singh were giving beatings to him, Ram Ditta Singh also brought a kirpan, which hit on the left hand. In the meantime, ladies named in the DDR also reached there and caused injuries to him, by pulling his hair. Ram Ditta Singh again attacked him with a kirpan, which hit under the right side of the ear and another injury was caused by Gurditt Singh under the ear. Jagtar Singh gave a gandasas blow on the left shoulder, upon which he became unconscious and thereafter, the accused ran away. The victim was admitted to Civil Hospital, Longowal, from where he was referred to Civil Hospital, Sangrur and due to severe injuries, he was then referred to Rajindra Hospital, Patiala. The first MLR of the victim was conducted on 02.03.2020 and the second MLR was conducted on 03.03.2020 and on the basis of medical opinion, injury No.1 was on the neck and Gurditt Singh suffered seven injuries.

Learned counsel for the petitioner further submits that there is a delay in registration of the cross-version by way of DDR and therefore, interim

bail granted to the petitioner may be confirmed, as no serious injuries are attributed to the petitioner.

Learned State counsel, on the basis of affidavit of the Investigating Officer, has, however, opposed the prayer for bail on the ground that after the first MLR was prepared at Civil Hospital, Sangrur, considering condition of the victim, he was referred to Rajindra Hospital, Patiala, where second MLR was conducted on 03.03.2020, noticing the remaining injuries on his body. Learned State counsel has referred to opinion of the Medical Board, which reads as under: -

“After going through the medical report of Rajindra Hospital, Patiala CR No.19360 dated 02.03.2020 and Civil Hospital, Sangrur CR No.3207/92 dated 02.03.2020 regarding patient Gurpreet Singh, vide MLR No.SG/MLR/2020/29 dated 03.03.2020, patient was admitted in Rajindra Hospital Patiala on 02.03.20 and treated conservatively there as per record. The Board is of the opinion that the MLR injury No.1 and 2, which shows underlying bony injury, are grievous in nature and kind of weapon used already described in above MLR and injury No.3 to 8, which shows no underlying bony injury, are simple in nature and kind of weapon used already described in the above MLR.”

Learned State counsel further submits that delay in registration of the present DDR has been duly explained, as the victim was first referred to Civil Hospital, Longowal, then to Civil Hospital, Sangrur and then to Rajindra Hospital, Patiala.

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Learned counsel for the complainant has additionally argued that grievous injuries are attributed to the petitioner and has referred to MLR, wherein 08 injuries have been reported. Learned counsel has also referred to photographs of the victim, to submit that he has been given beatings mercilessly by a group of family of the petitioner and the petitioner has caused injuries to the victim on his ear and face, which were declared grievous.

Learned counsel for the complainant has further referred to photographs of the victim to show the nature of injuries sustained by him and submitted that right thumb of the victim was amputated and even part of his ear was chopped off, which is visible in the photographs, which shows that the victim suffered multiple injuries at the instance of the petitioner. It is further submitted that the petitioner is the main accused and therefore, he cannot be granted the concession of anticipatory bail.

After hearing learned counsel for the parties and considering all the facts and circumstances of the case, I find no ground to grant anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

15.09.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No