

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

(Proceedings conducted through video Conference)

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CRM-M-19871-2020 (O&M)

Date of decision: 29.07.2020

Jasvir Singh @ Jasbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Shekhar Verma, Advocate for the petitioner.
Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.
Mr. RK Arya, Advocate for the complainant.

REKHA MITTAL, J. (Oral)

Jasvir Singh @ Jasbir Singh prays for grant of bail in anticipation of arrest in FIR No.75 dated 24.06.2020 registered in Police Station Dorangla, District Gurdaspur for offence under Sections 148, 149, 323, 324, 427 and 452 IPC (offence under Section 326 IPC added later).

Counsel for the petitioner would argue that petitioner is elected Sarpanch of village Kathilali and complainant is one of the Panches of village. The petitioner is being harassed by members of Panchayat belonging to political party in power. It is further argued that members of village Panchayat along with Government officials passed an order for appointment of Administrator to look after affairs of village that led to filing of CWP No.22542 of 2019 pending in this Court wherein operation of order dated 26.07.2019 (Annexure P10 therein) has been stayed. It is further argued that on 21.06.2020, the petitioner and his wife Balbir Kaur were stopped on their way by the complainant and other persons and given beatings. The wife of petitioner suffered many injuries and at about 10.40 pm she was medico legally examined at Civil Hospital, Dorangla vide MLR (Annexure P4). It is further argued that petitioner made a written complaint on the official e-mails of District Police Authorities, Gurdaspur but in place of initiating action against the complainant and other persons, the present false FIR has been registered against the petitioner. It is further argued that in view of supplementary statement made by the complainant even wife of the petitioner namely Balbir Kaur was indicted in the crime and she has

been granted benefit of bail in anticipation of arrest by the Additional Sessions Judge, Gurdaspur. It is vehemently argued that injury No.3 declared to be grievous in nature constituting offence under Section 326 IPC is on non-vital part of body and has been manipulated by the complainant in order to indict the petitioner in criminal proceedings particularly for offence punishable under Section 326 IPC. The last submission made by counsel is that petitioner is ready to join investigation and co-operate throughout.

Short reply by way of affidavit of Mahesh Kumar, Deputy Superintendent of Police, Dinanagar, District Gurdaspur in respect of allegations raised in paras 4 and 5 of the petition was received through e-mail and taken on record.

Counsel representing State of Punjab has opposed the prayer for grant of bail in anticipation of arrest with the submission that one of the injuries sustained by the complainant is caused with a sharp edged weapon and has been declared grievous in nature on the basis of x-ray examination. It is further argued that in view of gravity of offence under Section 326 IPC and the fact that incriminating weapon is yet to be recovered, custodial interrogation of the petitioner is required.

As per allegations raised in the FIR on the basis of statement of Gurnam Singh injured/complainant, on 21.06.2020 at about 7 pm, he (Gurnam Singh) along with his brother Satnam Singh and mother Gurmeet Kaur was working in fields. Jasvir Singh and his wife Biro were coming on their jeep to the village. They stopped the jeep and Jasvir Singh raised lalkara to teach him a lesson for not getting completed quorum in the panchayat. He took out a datar from jeep and gave two reverse blows of datar on his left shoulder. However, his family members got them separated and he came to his house along with his family members. After some time, Jasvir Singh armed with datar, Jagmohan Singh, Manjit Singh and Manpreet Singh entered his house. Jagmohan Singh raised lalkara to teach him a lesson for not getting completed quorum in the panchayat. Mandeep Singh pushed him and he fell on the ground. Jasvir Singh gave datar blow on his left leg. Manpreet Singh started causing damage to window panes of the house with brick bats.

Undenyingly, there is some dispute between the petitioner as a Sarpanch of Panchayat and certain Panches of the said Panchayat on account of which writ proceedings are pending before the Court. Previous enmity can be double edged weapon i.e. motive for causing injuries to the other side or false implication of petitioner at the behest of contesting party. The petitioner has admitted happening of an occurrence on 21.06.2020 in which his wife sustained injuries at the hands of complainant. The complainant was examined in the hospital at 10.15 pm on 21.06.2020 and his statement was recorded when the police received telephonic information on 23.06.2020 that complainant was admitted in the Civil Hospital due to having received injury in the fight. At this stage, there is no materials on record sufficient to suggest that injury No.3 declared to be grievous in nature is the result of self-infliction or friendly hand. Taking into consideration the allegations raised against the petitioner, I do not think it to be a fit case where the petitioner deserves to be extended benefit of bail in anticipation of arrest, a concession to be allowed in special circumstances.

Dismissed.

29.07.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No