

In virtual Court

CRM-M-38773-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38773-2021 (O&M)
Date of decision: 17.09.2021

Sukhjinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Jasneet Mehra, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0156 dated 27.05.2021 under Sections 323, 324, 326, 148, 149 IPC, registered at Police Station Kamboj, District Police Amritsar Rural.

It is brought to notice of this Court that vide order dated 20.07.2021, a petition i.e. CRM-M-28171-2021 filed by co-accused Baljinder Singh, Tasveer Singh and Kashmir Singh was dismissed qua Baljinder Singh and Tasveer Singh, however, Kashmir Singh was granted anticipatory bail considering the fact that he is aged about 70 years. The operative part of the order reads as under: -

“...Counsel for the petitioners has submitted that as per the allegations in the FIR, registered at the instance of Kewal Singh, it is stated that he along with his father Ajit Singh, brother Pritpal Singh and nephew Sehajpreet Singh, were working on their land, when Sukhjinder Singh @ Happy armed with dater, Harjit Singh armed with dater, Baljinder Singh @ Billa armed with dater, Tasveer Singh @ Manga armed with kirpan, Kashmir Singh armed with dater, Manjit Singh armed with datar along with 4 unidentified persons, came in their fields. The petitioner No.3 namely Kashmir Singh, raised a lalkara to teach them a lesson for claiming the land. Upon this, all the accused persons caused injuries to the complainant side. It is further submitted that petitioner No.3 Kashmir Singh, is aged about 70 years and the only injury attributed to him is on the left ear of Ajit Singh, which was declared to be a simple injury under Section 324 IPC.

Counsel for the petitioners has further submitted that even the injuries attributed to petitioners No.1 and 2 namely Baljinder Singh and Tasveer Singh, though, caused with a sharp edged weapon, however, they were not declared grievous in nature. It is further argued that 03 of the accused persons, who have been attributed Section 326 IPC injury, have already been arrested. It is also stated that it is a case of version and cross-version and even one of the petitioner has suffered the injury.

In reply, counsel for the State, assisted by counsel for the

complainant, has, however, opposed the prayer for bail on the ground that the victim suffered 05 injuries, Ajit Singh suffered 04 injuries, Manjit Singh suffered 03 injuries and hand of Kewal Singh was chopped off by the co-accused Harjit Singh.

Counsel for the State has further submitted that all the petitioners were armed with a sharp edged weapon and they have caused multiple injuries to the complainant's side, who belongs to one family.

Counsel for the complainant has placed on record the photographs of the victims to submit that they were given merciless beatings and even one of the victim has lost his hand.

Counsel for the complainant has also argued that as per the opinion of the Board of Doctors, the injuries sustained by the petitioners' side was found to be doubtful. It is also submitted that the injuries seems to be self-inflicted injuries just to make out a cross-version. After hearing the counsel for the parties, I find no ground to grant the concession of anticipatory bail to petitioners No.1 and 2, namely, Baljinder Singh and Tasveer Singh, who in conspiracy with other accused persons, have caused multiple injuries to the complainant's side and accordingly, the petition qua petitioners No.1 and 2, is dismissed...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the injury attributed to the petitioner is near the ear of Pritpal Singh and it is a cross-version case.

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Learned State counsel, assisted by learned counsel for the complainant, has submitted that in fact, four persons namely Kiratpal Singh, Ajit Singh, Sehijpreet Singh and Pritpal Singh were injured in this case. It is further submitted that Pritpal Singh suffered as many as 07 injuries, out of which, the injury attributed to the petitioner is a datar blow on the head near the right ear and it being a grievous injury, Section 326 IPC was added. It is also submitted that the petitioner is the main accused and anticipatory bail petition filed by co-accused has already been dismissed, as noticed above.

After hearing learned counsel for the parties and considering the aforesaid submissions, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

17.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No