

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39058-2021
Date of Decision: 29.09.2021

Noor Jano

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Kumar Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.114 dated 16.08.2021, under Sections 323/324 /341/368/506/427/120-B/188 IPC (Sections 308/364 IPC added and Section 368 IPC deleted later on), registered at Police Station Adampur, District Jalandhar.

As per the allegations which have been contained in the FIR which was lodged on the basis of the statement made by the complainant Tanvir Singh son of Harbhajan Singh that they are agriculturists and at about 10.00 A.M. he and his friend Jaswinder Singh son of Randhir Singh were going to their village when at the outskirts way some persons of Gujar

community who were going towards the fields along with their animals from the dairies were stopped and told that a written agreement was executed between them that they should keep their animals in the dairies and should not destroy the crop of anyone, upon which Noor Janu (petitioner) wife of Kaimdeem and her son Rashid and Haneef started abusing the complainant and started extending threats that they are nobody to stop them and in the meantime Jatti wife of Mureed and her both sons Rasheed and Husain accompanied with son of Machho also came and suddenly started abusing and beating them. Afterwards, Mohammed Alam alias Ammu also came there and said to his men that some more lessons are to be taught to these people and dragged Jaswinder Singh in the Dera. However, the complainant Tanvir Singh saved himself from them and ran away and after reaching some distance, informed about this incident to the people of the village, upon which the residents of the village came at the spot and took Jaswinder Singh out of the Dera and arranged a vehicle and admitted the injured persons to the Civil Hospital, Adampur for treatment.

Notice of motion was issued in this case on 20.09.2021 and on the basis of the submissions made by the learned State counsel, the State was directed to file an affidavit. Today, affidavit has been filed by the Assistant Superintendent of Police, Sub Division Adampur, Jalandhar on behalf of the State of Punjab by way of email since the matter is being taken up through Video Conferencing. A print out of the same is hereby taken on record.

Mr. Randhvir Singh Thind, learned Deputy Advocate General, Punjab while referring to the affidavit filed by the State submitted

that it is a case where the petitioner alongwith some other persons had started beating the complainant Tanvir Singh and his friend Jaswinder Singh and thereafter the complainant Tanvir Singh although managed to escape but his friend Jaswinder Singh was dragged into the Dera by the petitioner and a group of other persons and all of them gave beatings to the aforesaid Jaswinder Singh who suffered multiple injuries. While referring to the affidavit he submitted that all the accused including the petitioner had jointly given beatings to Jaswinder Singh after dragging him into Dera and, therefore, the petitioner does not deserve the concession of anticipatory bail. He further referred to para No.5, 6 and 7 of the affidavit wherein it has been stated that both Tanvir Singh and Jaswinder Singh were medically examined and MLRs were also prepared and as per the MLR of Tanvir Singh he suffered four injuries and out of four injuries, injury No.1 was inflicted by sharp edge weapon and injury No. 2, 3 and 4 were inflicted by blunt edge weapon in nature in injury No. 1, 2 and 3 were declared simple and injury No.4 was kept under x-ray observation and five injuries were suffered by Jaswinder Singh and bruise present on forehead above right eyebrow was inflicted on Jaswinder Singh which was declared as grievous. Para No.5, 6 and 7 of the affidavit are reproduced as under:

“5. The complainant Tanvir Singh and Jaswinder Singh were medically examined vide MLR bearing no.HS/48/ADM/2021 dated 16.08.2021 of Tanvir Singh and MLR bearing no.HS/47/ADM/2021 dated 16.08.2021 of Jaswinder Singh and as per MLR of Tanvir Singh he suffered four injuries and out of 4 injuries injury no.1 was inflicted by sharp edge weapon and injury no. 2,3,4 were inflicted by blunt edge weapon in nature and injury no.1,2,3 were declared simple and injury no.4 was kept

under xray observation.

6. That as per MLR of Jaswinder Singh he suffered 5 injuries on his person out of which injury no.1 and 2 were inflicted by sharp edge weapon and injury no. 3,4 and 5 were inflicted by blunt edge weapon and out of said injuries injury no.1, 2, 4 and 5 were declared simple and injury no.3 was kept for x-ray opinion.

7. That injury No. i.e. "Bruise present on forehead above right eyebrow" which as inflicted on Jaswinder Singh was kept under X-ray observation, was declared grievous in nature. In the X-ray report, injury No.3 of Jaswinder Singh, it was found that there was fracture of the frontal bone involving the right Supra-Orbital part of the body of injured Jaswinder Singh and this injury has been declared as grievous by the concerned doctor. Meaning thereby there was grievous injury on the head of injured Jaswinder Singh, which is a very vital part of the body".

The learned counsel for the petitioner has submitted that the only allegation pertaining to the petitioner was that she had used filthy language. He has further submitted that in the present case she may be considered for the grant of anticipatory bail because she was not part of the gang which had allegedly given beatings to the aforesaid two persons.

However, the learned State counsel has submitted that a bare perusal of the FIR as well as the affidavit filed by the State would show that all of them had given beatings to the complainant and his friend Jaswinder Singh and, therefore, the arguments raised by the learned counsel for the petitioner was not sustainable.

I have heard the learned counsel for the parties.

As per the allegations two persons namely, Tanvir Singh and Jaswinder Singh were injured on the basis of alleged beatings given by persons which have been mentioned in the FIR and also in the affidavit by the State. The plea raised by the petitioner that the role attributable to the petitioner was only use of filthy language is not sustainable on the perusal of the FIR as well as affidavit filed by the State in which it is mentioned that “these persons had given beatings and dragged the aforesaid Jaswinder Singh into Dera and given multiple beatings to him”. The allegations contained in the FIR are absolutely serious in nature as a person was allegedly dragged into a Dera and was caused multiple injuries, which is evident from the affidavit filed by the State wherein grievous injuries have been mentioned.

Therefore, considering the seriousness of the case and magnitude involved, this Court does not deem it fit and appropriate to grant the concession of anticipatory bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.09.2021

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No