

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

Date of decision-29.11.2021

1. CRM-M-43161-2021

**Jaswinder Singh @ Jassa
Vs.**

....Petitioner

State of Punjab

...Respondent

2. CRM-M-43987-2021

**Balwinder Singh
Vs.**

....Petitioner

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Kumar Singla, Advocate for the petitioners.
Mr. Ramdeep Partap Singh, DAG, Punjab.
Mr. M.S.Basra, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.62 dated 27.07.2021 under Sections 307, 341, 323, 324, 506, 148, 149 and 34 Indian Penal Code, 1860 registered at Police Station Khanauri, District Sangrur. The petitioners apprehended their arrest at the hands of Police.

The FIR was registered on the basis of statement of Ajinderpal Singh and the allegations as noticed by the learned Additional Sessions Judge, Sangrur in the order dated 06.10.2021 are as under:-

“As per allegations of the prosecution, on 25.07.2021 at about 6:30 PM, complainant Ajinderpal Singh son of Hardeep Singh, was going to the field from his house and

when he reached near the place of manure heaps situated at about 30/35 Karams away from the house, applicant/accused Balwinder Singh son of Budha Singh, resident of Hotipur armed with Iron Ghop, applicant/accused Jaswinder Singh @ Jassa son of Natha Singh armed with Kirpan, Gagandeep Singh @ Gaggu son of Jaswinder Singh armed with Iron Rod, Lakhwinder Singh @ Lakha son of Natha Singh armed with Iron Rod, Bhupinder Singh @ Binder son of Gurcharan Singh armed with Gandasa, Natha Singh son of Ranjit Singh armed with Dang and Akashdeep Singh son of Lakwinder Singh armed with Sota, residents of Hotipur were present there and out of them Jaswinder Singh @ Jassa and Natha Singh raised lalkara by stating that he should not be gone scot free, on which when complainant tried to turn towards his house in order to save himself, applicant/accused Balwinder Singh gave Ghop blow with an intention to kill him which hit on his head with its front side and remaining all the accused persons encircled him and he fell down while keeping both of his hand on his head to save himself. Even then applicant/accused Jaswinder Singh @ Jassa who was armed with iron rod gave iron rod blow on his head and the remaining accused caused injuries on his back, thigh and legs with their respective weapons. He raised hue and cry and his uncle Palwinder Singh son of Ran Singh resident of Hotipur came at the spot and when he tried to rescue him from the clutches of accused, Gagandeep Singh @ Gaggu gave iron rod blow to his uncle Palwinder Singh with an intention to kill him which hit on his right hand when he raised his right hand to ward off the said blow. Lakhwinder Singh @ Lakha who was armed with iron rod gave iron rod blow which hit on the left side of the back of his uncle Palwinder Singh as a result of which Palwinder Singh fell down and the accused persons caused injuries on his person when he is lying on the ground. Complainant was brought to Bhagwan Health Care, Patran for treatment by Gurbhagat Singh son of Amir Singh resident of Hotipur by arranging a vehicle, but due to his serious condition he was referred to Patiala and he was got admitted in Jiwan Hospital for treatment whereas his uncle Palwinder Singh was got admitted in Civil Hospital, Moonak”.

Learned counsel for the petitioners has argued that in the alleged occurrence, the petitioners were also injured, however, on their complaint, no case was registered by the police as the complainant is

related to police officer, namely, Arvinder Singh @ Babban, who is serving in Punjab Police as Constable, and now on his application moved under Section 156 (3) Cr.P.C, a case FIR No.62 dated 27.07.2021 has been registered at Police Station Khanauri, against the other side. He submits that the alleged occurrence took place at Village Hotipur, whereas, the injured was taken to Civil Hospital, Moonak, which is far away from the said place and the injuries suffered on the head by the victim were not dangerous to life. In this regard, he has referred to MLR of injured-Ajinderpal Singh dated 25.07.2021, and submitted that injuries suffered by victim were kept under observation, whereas the other injured-Palwinder Singh had suffered five injuries and the opinion of the doctors was awaited. He submits that as per FIR, the petitioner Jaswinder Singh was armed with kirpan, whereas he allegedly gave a rod blow on the head of the complainant-Ajinderpal Singh. According to him, the other injury given with the sharp edged weapon is not attributed to him, and as the petitioners are willing to join the investigation, they be released on anticipatory bail.

The prayer is opposed by learned State counsel assisted by ASI Karnail Singh, who argued that the victim suffered fracture of the skull and had undergone surgery. In support of his argument, he has produced the opinion of the doctor dated 05.08.2021, whereby the injury Nos.1 and 2 were collectively found dangerous to life.

Learned counsel for the complainant has also produced the photographs of the injuries suffered by the injured and according to him, the petitioners do not deserve the concession of anticipatory bail.

After hearing learned counsel for the parties and considering the above background, this Court is of the opinion that as per prosecution, both petitioners were armed with weapons and had caused injuries upon complainant-Ajinderpal Singh and other injured Palwinder Singh. It is the case of the prosecution that the assailants had caused injuries on the vital part of complainant's body, who also suffered fracture of skull. The argument of Mr. Singla, learned counsel for the petitioners that accused-Jaswinder Singh has not caused the injury, which was declared dangerous to life, is without any merit as it is the case of the prosecution that accused shared common intention. Consequently, considering the gravity as well as the seriousness of the offence, but without expressing any opinion on the merits of the case, this Court is of the opinion that it is not a fit case for extending the concession of pre-arrest bail to the petitioners.

Both petitions are dismissed.

29.11.2021

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No