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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5612-2022 (O&M)
Date of Decision:21.02.2022

Sukhdev Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Gupta, Advocate, for the petitioner.

Mr. Arun Kumar Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-5354-2022

The present application has been filed for placing on record copies of MLRs and copy of order dated 07.01.2022 as Annexures P-3 to P-5.

For the reasons mentioned in the application, the same is allowed. Annexures P-3 to P-5 are taken on record subject to just exceptions.

Main case

The present petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.16 dated 01.02.2020, under Sections 307,324,336,506 and 34 IPC and Section 25/27 of Arms Act, registered at Police Station Sadar Patti, District

Tarn Taran.

As per the FIR which was lodged on the basis of statement of one Angrej Singh that he does the business of agricultural work and has two brothers. His younger brother is Sukhdev Singh and on 26.01.2020 it was about 11.00 A.M. that when he alongwith his brother Sukhdev Singh were cutting Barseen in the fields, then Sukhdev Singh son of Ranjit Singh (petitioner), Jagdev Singh son of Ranjit Singh and Simarjit Kaur wife of Ranjit Singh came to their car make Ford Figo and just upon coming from the car, Sukhdev Singh (petitioner) who was holding datar in his hand, raised lalkara and thereafter Jagdev Singh shot a fire from his country made pistol on his brother Sukhdev Singh with an intention to kill upon which pallets hit on right side of his neck and backside of shoulder, then he came forward to rescue his brother Sukhdev Singh, then Sukhdev Singh son of Ranjit Singh (petitioner) came forward and gave a datar blow which hit on the forehead of the complainant, then their mother namely Simarjit Kaur started shooting fire in the air from her country made pistol 32 bore and thereafter, when they raised the alarm, then the assailants fled away from the spot with their respective weapons and again raised lalkara by threatening to kill them.

On 10.02.2022 the learned counsel for the petitioner had prayed for some time to place on record a copy of the MLR. The same has been done and the copies of the MLRs have been placed on record. The learned counsel for the petitioner has submitted that as per the MLR the injuries attributable to the petitioner were simple in nature and even otherwise, as per the FIR, the role of the petitioner was giving a datar blow

and not of the firearm. He further submitted that the other co-accused namely, Simarjit Kaur has been granted interim anticipatory bail by this Court vide CRM-M-291-2022 and, therefore, he should also be considered for the grant of anticipatory bail on the same parity.

Mr. Arun Kumar Kaundal, learned DAG, Punjab has submitted that it was a serious case where the role attributable to the petitioner was giving of a datar blow on the forehead of the complainant and he had come alongwith the other person namely Jagdev Singh who had caused firearm injuries on the brother of the complainant and that the other co-accused namely Simarjit Kaur had also used 32 bore revolver. He further submitted that the aforesaid co-accused Simarjit Kaur although has been granted interim protection by this Court but she is not at parity with the present petitioner.

I have heard the learned counsel for the parties.

As per the allegations contained in the FIR all the three accused have collectively attacked the complainant and his brother. A perusal of the MLR which has been attached as Annexure P-3 would show that so far as the injury caused on the complainant Angrej Singh is concerned, the same has been shown to be as an incised wound over forehead frontal aspect measuring around 8 cm X 2 cm and there was fresh bleeding present and probable duration of the injury was 6 hours and kind of weapon used as per the MLR was sharp. However, as per the medical report the injuries were simple in nature. So far as the MLR of the other injured namely Sukhdev Singh is concerned, as per the MLR, the injuries attributable were punctured wound over right side neck region measuring around 0.1 cm X 0.1 cm and

fresh bleeding present. X-ray was also advised and there was also another injury of punctured wound over black below neck region around 10 cm below neck measuring 0.1 cm X 0.1 cm and fresh bleeding present and X-ray was also advised. A further perusal of the medical report would show that injury No. 1 and 2 caused upon Sukhdev Singh was although simple but the weapon was declared to be a firearm and from one sealed container two pellets were removed. The argument raised by the learned counsel for the petitioner that the role attributable to the petitioner was only allegedly causing of a laceration below on the forehead and not of the firearm injury would not be sustainable in view of the fact that as per the allegation there was a collective attack and the role has to be seen in a comprehensive manner. Once the medical report has come that firearms were used and as per the prosecution the weapon used was a country made weapon, the matter would actually attain seriousness. So far as the plea of the petitioner that he was at parity with the other co-accused namely Simarjit Kaur vide Annexure P-5 is concerned, the same would also not be sustained in view of the fact that as per the role of Simarjit Kaur, in that case she had taken a specific plea that there was a fire in the air and secondly, she is a lady of 65 years of age and, therefore, considering the aforesaid factors, this Court had granted interim protection to the aforesaid Simarjit Kaur and, therefore, so far as the present petitioner is concerned, he cannot be said to be at parity with the aforesaid Simarjit Kaur.

Therefore considering the totality and circumstances and considering the seriousness and magnitude of the case, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is devoid of any merit and 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.

21.02.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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