

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12271-2021 (O&M)
Date of decision: 27.04.2022

Jaswinder Kumar @ Jassa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.166 dated 06.05.2020 under Sections 323, 341, 326, 307, 148, 149, 120-B, 188 IPC (Section 302 IPC was added later on), registered at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that the FIR was registered on a complaint given by Joginderpal with the allegations that he was doing the work of Painter and on 05.05.2020, his friend Ram Pal came on a scooter and after completing the work, both of them went to drop one Bobby to his village, who was working with them. When they were returning home, at

about 11.30/11.45 pm, 8-9 persons armed with dattar, kirpan, handle of handpump etc. came and encircled them. Gopi, Happy and Billa @ Harbillas were armed with khanda, petitioner Jassa was armed with kirpan, Sandeep and Prem were armed with dattar, Manjit was armed with baseball and Bindu @ Ravinderpal was armed with DAT. All of them attacked and started causing injuries with intention to kill. The complainant and his friend tried to run away in the street, but they were again encircled and were given multiple injuries. Thereafter, the accused ran away from the spot.

Learned counsel has argued that complainant Joginderpal and his friend Ram Pal were admitted to Civil Hospital, Phagwara and from there, they were referred to Oxford Hospital, Jalandhar. Later on, Ram Pal died due to the injuries sustained by him. It is further submitted that the petitioner is in custody for the last 01 year, 11 months and 16 days and statement of the complainant has been recorded.

Status report by way of affidavit of Investigating Officer/SI Gurjeet Kaur, Incharge, Police Post Industrial Area, Police Station City Phagwara, District Kapurthala is on record, in which it is stated that during the investigation, role of the petitioner came that he was armed with kirpan/sword and later on, as per his own disclosure statement, a baseball bat was recovered from him, which he used for causing injuries to the complainant and his friend Ram Pal (deceased) and he was part of the conspiracy, in which injuries were caused to deceased Ram Pal. It is further stated that presence of the petitioner was very much at the spot, when the injuries were caused to the complainant

and deceased Ram Pal.

Learned State counsel has submitted that as per post-mortem report, total 18 injuries were found on the body of deceased Ram Pal, which reflects that he was brutally beaten up to death and similarly, even the complainant suffered four injuries.

After hearing learned counsel for the parties and considering the allegations against the petitioner and gravity of the offence, I find no ground to grant regular bail to the petitioner.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition.

Dismissed as withdrawn.

[ARVIND SINGH SANGWAN]
JUDGE

27.04.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No