

Daljit Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Anupam Bhardwaj, Advocate for the petitioners.
Mr. Davinder Bir Singh, DAG, Punjab.

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 petitioners in case FIR No.188 dated 30.05.2022, registered under Sections 325, 452, 506, 34 IPC, at Police Station Goindwal Sahib, District Tarn Taran.

As per the allegations in the FIR which was lodged on the basis of complaint made by the complainant Karanbir Singh that he is an agriculturist and has constructed his house at Village Kang near Baba Bahadur Shah and for the purpose of disposal of water from the house and bathroom, he had filled the earth with two trolleys of mud. On 25.05.2022, at about 7:00 p.m. he was sitting with his family and the outer door of the house was opened. Suddenly, both the petitioners namely Daljit Singh and Sharanjit Singh armed with Dang and spade respectively came on their motorcycle and immediately on reaching they threatened him with filthy abuses. Petitioner Daljit Singh gave a blow with his dang which hit on the shoulder of complainant's left arm and one blow was given by Sharanjit Singh with his spade which hit on the upper right side of head. Thereafter, both the petitioners dragged the complainant and gave blows to him while he was lying down. This incident was also captured by the wife of complainant in a video. The mother and wife of the complainant raised an alarm upon which the villagers gathered there and both the

petitioners ran away on their motorcycle by hurling threats. Thereafter, the mother of the complainant took the complainant to Civil Hospital, Khadoor Sahib for treatment and the motive of this incident is also stated in the FIR that the petitioners want to allege their rights on the house where the complainant is residing.

Learned counsel for the petitioners has submitted that both the petitioners have been falsely implicated in the present case and the dispute was with regard to the property and it was only because of that reason that the petitioners have been falsely implicated and there is a political enmity in the village and, therefore, the petitioners may be considered for the grant of anticipatory bail.

This Court issued notice of motion on 07.07.2022 and directed the State to file an affidavit in this case. The learned State counsel has filed an affidavit in the Court today which is taken on record. According to the said affidavit, filed by Deputy Superintendent of Police, Sub Division Khadoor Sahib, Camp at Goindwal Sahib, District Tarn Taran, the entire incident was captured in a video and from the said video, it can be clearly seen that the petitioners had attacked the complainant and inflicted injuries upon him. The said video has also been sent to the Digital Forensic Lab, DIG Officer, Ferozepur, Punjab for its analysis. It has been further stated in the affidavit that the petitioners do not have clean antecedents and they are involved in three more cases. The description of these three cases which has been given in para No.8 of the affidavit is as under:-

Sr. No.	FIR No.	Under Section	Police Station	Stage
1.	FIR No.82 dated 12.06.2018	323/324/326/452/506/34 of IPC & 25 of the Arms Act	Goindwal Sahib	Under Investigation
2.	FIR No.101 dated 03.06.2021	326/323/324/506/148/149 of IPC	Goindwal Sahib	Under Investigation
3.	FIR No.73 dated 25.04.2019	341/379-B/506/34 of IPC	Goindwal Sahib	Under Trial

The learned State counsel submits that in view of the aforesaid facts and circumstances where it can be clearly seen that the petitioners had come to the house of the complainant and attacked him, the petitioners do not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties.

The factum of recording of the incident by the wife of the complainant is also mentioned in the FIR. Both the petitioners are specifically named in the FIR and specific role has been attributed to them. During the course of arguments, learned State counsel has also stated that the complainant had suffered fracture on his shoulder. According to the reply filed by State, para No.8 pertains to three more FIRs registered against the petitioners and accordingly a query was raised to the learned counsel for the parties as to whether one of the petitioners is involved or both the petitioners are involved in these three FIRs, both the learned counsel have stated that in these three FIRs, both the petitioners are involved.

In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant anticipatory bail to the petitioners.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

19.07.2022
mamta

(JASGURPREET SINGH PURI)
JUDGE

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