

(205) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30428-2022
Date of Decision: 30.08.2022

JUDGEJEET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Yadveer Singh, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.46 dated 27.04.2022 under Sections 307, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 registered with Police Station Urban Estate, District Patiala (Annexure P-1).

2. The brief facts of the case are that the complainant-Jasdeep Singh @ Jolly son of Hakam Singh informed the Investigating Agency that on 26.04.2022 at about 4.00 PM, he along with Mandeep Singh son of Naib Singh, Jagdeep Singh son of Ratan Singh and Amrit Singh son of Gurjeet Singh had gone to have coffee at a coffee shop. One Goldy @ Gurpreet Singh son of Darshan Singh met them at the said coffee shop, who went away. Pursuant thereto they also left the place (complainant side also left the place) in their Scorpio Car. Near the parking of Gopal Sweets, Phase-I Urban Estate Market Patiala, one black colour Skoda car came next to their car, which was

being driven by Judgejeet Singh son of Joga Singh (the present petitioner) resident of Nizamniwala, who after rolling down his window pane fired 3-4 shots towards him (complainant) with a pistol with an intention to kill him. The shots hit the window pane of the car and some other places breaking the window pane which struck his biceps. Mandeep Singh, who was sitting with him on the conductor seat also suffered injury on his shoulder which could be a bullet injury or an injury due to the piercing of some object. He saw that Malwinder Singh was sitting on the conductor seat of the offending car, Jaskaran Singh @ Soni son of Satnam Singh was sitting in the rear seat and was also carrying a pistol. Along with him Channa and Jassi brothers of Jaskaran Singh @ Soni were also sitting. Kuljeet Singh @ Laddi and Baljeet Singh @ Ball along with 3-4 other unknown persons followed them in a Brezza Car, who were all armed with deadly weapons. Pursuant thereto, Gurwinder Singh got him admitted at Rajindra Hospital, Patiala for treatment.

3. The learned counsel for the petitioner contends that the injury suffered by the injured witnesses cannot be described as firearm injuries. In fact, the complainant was an accused in an FIR No.79 dated 29.03.2022 under Sections 307, 323, 324, 341, 458, 506, 427, 148, 149 IPC registered with Police Station City Samana. The complainant of the said case was Jaskaran Singh @ Soni (the co-accused of the petitioner in this case). The said FIR shows the brazen manner in which the present complainant and his companions had indulged in hooliganism while attacking the office of Jaskaran Singh @ Soni. He contends that the petitioner being a paternal cousin of the said Jaskaran Singh @ Soni, who was actively pursuing the matter with the Police has been falsely implicated in the present case. In fact,

the petitioner had been the President of the Truck Union for many years and the complainant was in the opposite faction and recently declared himself as the President of the Union. He thus, contends that the complainant himself has criminal antecedents and has three other FIRs pending against him. (i) FIR No.38 dated 17.02.2022 registered at Police Station City Samana under Sections 379-B, 323, 341, 506, 148 IPC and Section 3 of Prevention of Atrocities against SC and ST Act, 1989. (ii) FIR No.187 dated 17.02.2022 under Sections 294, 34, 341, 427, 506 IPC registered at Police Station Barwala, District Hisar and (iii) FIR No.131 dated 13.05.2021 under Sections 458, 323, 506, 148, 149, 188 IPC and Section 51 of Disaster Management Act, 2005.

Even otherwise, the petitioner was ready and willing to join the investigation whenever required and therefore, prays for the grant of anticipatory bail.

4. On the other hand, the learned State counsel has filed a reply dated 26.08.2022 by way of an affidavit of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Police City-II, Patiala on behalf of the respondent-State.

The injured-complainant Jasdeep Singh has received the following injuries:-

“Patient calm conscious oriented

1)Multiple reddish abrasion from size 0.3 x 0.2 cm, to 0.2 x 0.4 cm around 34 in number in an area of 20 cm x 7 cm on posterior aspect of right forearm in distal half and back of right hand. adv x-ray & ortho observation

Weapon used Blunt.”

The injured Mandeep Singh has received the following injury:-

*“PATIENT IS CALM CONSCIOUS AND COOPERATIVE
WELL ORIENTED TO TIME PLACE AND PERSON.
VITALS STABLE.*

*1) FIRE ARM ENTRY WOUND IN THE FORM OF
PUNCTURE LACERATED WOUND OF SIZE 0.9X0.8 CM
WITH ABRASION COLLAR PRESENT ON RIGHT SIDE
OF CHEST AT INFRA CLAVICULAR REGION, 14 CM
LATERAL TO TRACHEAL NOTCH AND 15 CM
DIRECTLY ABOVE RIGHT NIPPLE, ACTIVE
BLEEDING PRESENT, SUBSEQUENT TEAR ALONG
WITH DARK GREYISH BLACK DISCOLOURATION
PRESENT ON BLUE WHITE CHECK SHIRT AND
WHITE VEST.*

ADV. X-RAY AND SURGEON OPINION

*IO IS ADVISED TO COLLECT CLOTHES LATER AS
PATIENT DOESN'T HAVE CLOTHES TO CHANGE
RIGHT NOW FROM THE TREATING SURGEON.”*

He contends that the manner in which the occurrence has taken place as also the nature of injuries suffered by the complainant party does not entitle the petitioner to the grant of anticipatory bail. In fact, the revolver and the vehicles used in the occurrence are yet to be recovered from the petitioner. He contends that as many as 07 FIRs have been registered against the petitioner. In some, he has been acquitted and in others the trials are pending and in some he has been convicted. He contends that the criminal antecedents of the petitioner does not entitle him to the grant of anticipatory bail. Even otherwise, merely because the complainant in the present case was facing trial in some cases would not entitle to the petitioner to the grant of anticipatory

bail looking at the role played by him, the nature of injuries suffered by the complainant and the injured witness as also the fact that recovery of the firearm and vehicles have to be effected from him. He thus, contends that the present petition for the grant of anticipatory bail be dismissed.

5. The learned counsel for the complainant has reiterated the arguments of the State. He has also handed over photographs of the vehicle of the complainant, which clearly show that the window panes of the vehicle of the complainant have been shattered and there are bullet marks on the said vehicle.

6. I have heard the learned counsel for the parties at length.

7. A perusal of the injuries as mentioned hereinabove clearly establish that they have been caused by a firearm. I have also seen the photographs of the vehicle of the complainant on which there are bullet marks and the window panes stand shattered on account of shots being fired. As many as 07 FIRs were registered against the petitioner and the details of the same are reproduced hereinbelow:-

Sr. No.	FIR No. & Date	U/s & PS	Present status
1.	FIR No.142 dated 10.05.2004	U/s 323, 324, 148, 149 IPC P.S. Sadar Samana District Patiala	Acquitted on the basis of compromise on 22.12.2009
2.	FIR No.315 dated 03.11.2006	U/s 452, 323, 342, 148, 149 IPC, P.S. Sadar Samana District Patiala	Acquitted on the basis of compromise on 05.10.2007
3.	FIR No.49 dated 20.09.2008	U/s 341, 323, 506, 34 IPC, P.S. Sadar Samana District Patiala	Cased disposed of on 27.09.2009
4.	FIR No.100 dated 04.07.2013	U/s 61/1/14 Excise Act, P.S. Sadar Samana District Patiala	Discharged on 17.05.2016
5.	FIR No.140 dated 01.09.2013	U/s 15/61/85 NDPS Act PS Sadar Samana Patiala	Convicted on 04.08.2015

6.	FIR No.225 dated 20.12.2013	U/s 25/54/59 Arms Act PS CIA Samana	Pending trial for 13.09.2022
7.	FIR No.192 dated 26.10.2010	U/s 307, 341, 506, 148, 149 IPC, 25/54/59 Arms Act PS Patran Patiala	Acquitted on 26.11.2021

The complainant and his companions have been attacked in a most brazen manner. The petitioner is quite apparently the main accused and the recoveries of the firearm used in the occurrence and vehicles are to be effected from him. At this stage, by no stretch of imagination can it be stated that the petitioner has been falsely implicated in the present case.

8. In view of the above, the petitioner does not deserve the concession of anticipatory bail and therefore, the the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

30.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No