

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48775-2022

Date of decision : 31.10.2022

Jagjeet Singh @ Jaggi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Randeep Singh, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

Mr.Karanbir Singh, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0141 dated 07.07.2021 registered under Sections 323, 324, 506, 34 IPC (Section 326 IPC added later on) at Police Station Samrala, Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on account of there being a civil dispute between the petitioner and the complainant. It is submitted that out of the 8 injuries suffered by the complainant, only 1 injury is grievous in nature and other 7 injuries are simple in nature. It is further submitted that the alleged weapon which has been used by the petitioner has not been specifically mentioned in the FIR. It is further stated that an inquiry dated 18.09.2021 was held in favour of the present

petitioner.

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for anticipatory bail and have submitted that as per the specific allegations made in the FIR, which was registered on the statement of Manjit Singh, the petitioner was armed with a sharp edged weapon and had inflicted an injury on the head of the complainant and the said injury has been declared to be grievous in nature inasmuch as the complainant had suffered a fracture on the head. It is further submitted that the petitioner along with two other co-accused had inflicted 8 injuries on the complainant and a perusal of the MLR would show that out of the same, 4 injuries were on the head and 1 was on the eyebrow and injuries no.1, 2, 3 and 7 had been given with a sharp edged weapon and injuries no.4, 5, 6 and 8 were with a blunt weapon. It is stated that the reason, for which the petitioner and the other co-accused had inflicted injuries on the complainant, has been specifically mentioned in the FIR itself inasmuch as it is stated that there is a case going on in the Samrala Court regarding land, which, the petitioner and the other accused persons want to take forcible possession from the complainant party. It is further stated that even as per the arguments of learned counsel for the petitioner before the Additional Sessions Judge, Ludhiana, moreso as noticed in para 5 of the said order, the petitioner had learnt on 14.07.2021 that an FIR has been registered against him, yet, he had chosen to file an anticipatory bail application before the Additional Sessions Judge, Ludhiana on 22.09.2022 and has thus been evading arrest. It is submitted that the petitioner is the main accused in the present case. It is further submitted that in the enquiry dated 18.09.2021, it has been specifically stated that the

medical record regarding the injuries sustained by the complainant of the FIR is yet to be recovered from the Civil Hospital, Sector 32, Chandigarh and thereafter, the complainant had died and it was mentioned in the said enquiry report that action would be taken as per the medical report. It is also submitted that a perusal of the medical record submitted subsequent to the same i.e., on 15.12.2021, would show that the head injury, which has been caused by the present petitioner, was grievous in nature, as well as the fact that there was a fracture on the skull of the complainant. It is stated that the custodial interrogation of the petitioner is necessary as he is the main accused and even the details of the weapon used by him have to be ascertained and the recovery of weapon is also to be effected from him. Moreover, it is stated that there is no dispute regarding the presence of the petitioner and involvement of the present petitioner and the question as to whether Satnam Singh and Bhag Singh, who were subsequently named, were involved in the occurrence, was being considered and the observations in the enquiry report with respect to call details and locations is qua them and not qua the petitioner. Learned counsel for the complainant has further submitted that in the present case, the complainant died after two months of suffering the said injuries and it is the case of the complainant party that the said death had taken place on account of injuries suffered in the occurrence dated 05.07.2021 and are pursuing their remedy of pressing charges against the petitioner and the other accused for offence under Section 302 IPC in accordance with law.

Learned counsel for the petitioner, in rebuttal, has submitted that the death had not taken place on account of the injuries given by the petitioner on the head but same is on account of brain tumor from which the

complainant was suffering.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that there are specific allegations levelled by the complainant Manjit Singh (now deceased) that the present petitioner had given a blow with a sharp edged weapon on his head due to which, he had sustained grievous injury on his head. As per the MLR, the complainant had suffered 8 injuries out of which injuries no.1, 2, 3 and 7 were with a sharp edged weapon and injuries no.4, 5, 6 and 8 were with a blunt weapon and injury no.3, which had been attributed to the present petitioner, has been declared to be grievous in nature on account of there being a fracture on the skull, thus, attracting the offence under section 326 IPC. The said injury given by the present petitioner is on a vital part of the body i.e., the head. A perusal of the MLR would show that out of the 8 injuries, 4 injuries which have been suffered by the complainant are on the head and one injury is on the eyebrow. The said injuries have been suffered on account of attack by the petitioner along with his co-accused. The petitioner is stated to be the main accused and it has been specifically mentioned in the FIR that the petitioner and other co-accused had inflicted injuries on the person of the complainant, on account of a land dispute between them. A perusal of paragraph 5 (page 18) of the order dated 01.10.2022 vide which the application for anticipatory bail of the petitioner was dismissed, would show that it is the case of the petitioner himself that he had learnt about the registration of the present FIR on 14.07.2021 yet, he had filed anticipatory bail application before the Additional Sessions Judge, Ludhiana on 22.09.2022 i.e., after much delay. The custodial interrogation

of the petitioner is necessary since he is the main accused in the present case and even the description of the sharp edged weapon is to be determined from him and the recovery of the weapon is also to be effected from him. The question as to whether any higher offence including the offence under Section 302 IPC is to be added or not on account of the fact that two months after the said incident the complainant died, is a matter of further investigation and would be finally considered during the course of trial. Reliance placed upon the report (Annexure P-4) of the DSP Khanna by the learned counsel for the petitioner is not well founded and does not further the case of the petitioner inasmuch as, it has been stated in the said report that the medical report regarding injuries sustained by the complainant is to be received from the Civil Hospital, Sector 32, Chandigarh and it is the case of the prosecution that on 15.12.2021 i.e., after the said report (Annexure P-4), the final report with respect to the injuries on the head of the complainant had been received and as per the same, the head injury which has been attributed to the present petitioner has been declared as grievous in nature. Moreover, the observations in the enquiry report (Annexure P-4) to the effect that the call details and locations of the accused were seen as per which, the said persons did not come in contact, are as per the case of the prosecution, with respect to the two persons Bhag Singh and Satnam Singh, who were initially not named in the FIR. The said observations as per the case of the prosecution, are not with respect to the present petitioner who has been specifically named in the FIR and to whom a specific role had been attributed in the FIR. At any rate, the said observations are cryptic and no details of the phone numbers or the locations of the accused persons has been given in the said report nor any reference has been made to any

material on the basis of which said observations have been made.

Keeping in view the above said facts and circumstances, the present petition for anticipatory bail is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No