

CRM-M-9935 of 2023

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9935 of 2023
Date of decision: 24.02.2023

Jaspreet Singh @ Jassa

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.205 dated 14.07.2022 under Sections 323, 324, 341, 34 IPC (Section 326 IPC added later on), registered at Police Station Sahnewal, District Ludhiana.

Present FIR was registered on the basis of statement of Davinder Singh to the effect that on 06.07.2022 he was standing near market part of village along with friends. His friend Riaz told that some boy is on the ground behind the car and he told not to reverse the car. He alighted from the car and saw that Jeeti and petitioner-Jassa were taking something from the pockets of said boy. When he stopped them quarrel begun. Jeeti gave iron pipe blow on his left arm and fled away. On 12.07.2022 at about 10-11 p.m. he along with his friend Randhir Singh

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and Nikalpreet Singh were standing in front of shop of Jaspal TV center Surjit Cineme Chowk, then Jeeti, Billa, petitioner-Jassa and Budhu along with 8-10 unidentified persons came there armed with swords. Jeeti was armed with *Khanda* and he gave blow of *khanda* on his head and again gave second blow which struck on finger of left hand and his finger fell down on the ground. Complainant also fell down. They gave swords blows on the legs of complainant. They also gave swords blows upon the person of his friends. People gathered there and they fled away from the spot.

Learned counsel for the petitioner contends that petitioner is innocent and has been falsely implicated in the present case. He further submits that no specific role has been attributed to the petitioner. He further submits that petitioner is not involved in any other case and he is ready and willing to join the investigation.

Per contra, learned State counsel, who appears on receipt of advance copy of the paperbook, opposes the prayer for grant of anticipatory bail to the petitioner submitting that there are direct allegations against the petitioner that he along with co-accused caused injuries on the person of the complainant.

I have heard learned counsel for the parties and perused the record.

There are specific allegations against the petitioner that petitioner, who was armed with sword, along with his co-accused caused injuries on the person of the complainant. Perusal of MLR (Annexure P-2) shows that petitioner along with co-accused inflicted 24 injuries on the

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legs of the complainant, which are grievous in nature. Petitioner and his co-accused also gave sword blows on the person of complainant's friends. Allegations against the petitioner are serious in nature and weapons of offence are yet to be recovered. Therefore, custodial interrogation of the petitioner is required.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioner that he along with his co-accused caused grievous injuries on the person of the complainant. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of their freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

No other point has been argued.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and his custodial interrogation is necessary in the case and that petitioner is likely to misuse his liberty and, therefore, does not deserve the concession of anticipatory bail.

In view of the above, the petition is dismissed.

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However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

24.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

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