

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10550-2023 (O & M)

Date of decision: 28.02.2023

Gurjant Singh

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshpreet Khadial, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this third petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.137 dated 03.08.2022 under Sections 307, 34 and 326 IPC registered at Police Station Bhikhi, District Mansa.

2. The brief facts of the case are that the statement of Amandeep Singh son of Dhanna Singh was recorded to the effect that he was an agriculturist and had a younger brother-Gagandeep Singh. He and his brother-Gagandeep Singh accompanied by a friend Yudhveer Singh had loaded sweet corn in their trolleys and had come to their house. At that time, at about 7.30 p.m., in the evening, Gurjant Singh @ Kala (petitioner) son of Jangir Singh armed with an iron *kirpan*, Lovepreet Singh armed with an iron rod in front of which a sprocket was fitted, Bhura Singh son of Surjeet Singh armed with *gandasa* and Sukhpreet Singh son of Bhura Singh armed

on his (complainant's) wrist. Bhura Singh gave two blows of his *gandasa* on the backside of his left shoulder, Lovepeet Singh gave a blow of his iron road sprocket in the front side and hit the left side wrist of his (complainant's) younger brother Gagandeep Singh. Then, Gurjant Singh @ Kala gave three blows of his sword to Yudhveer Singh with an intention of kill. Once sword blow hit on the left side of the head of Yudhveer from the sharp side, one blow struck his right thumb from the sharp side and one blow struck the centre finger of the right hand of Yudhveer Singh. On raising an alarm, all the accused ran away from the spot. The dispute was on account of a piece of land claimed by Gurjant Singh @ Kala but which had been in their (complainant party's) possession for the last 25 years.

3. The petitioner had sought the concession of anticipatory bail which was ordered to be dismissed as withdrawn on 28.09.2022. The said order is reproduced hereinbelow:-

“After arguing for sometime, learned Counsel for the petitioner prays for permission to withdraw the petition with liberty to avail alternative remedies available to him in accordance with law.

Dismissed as withdrawn with aforesaid liberty.”

Thereafter, he filed a second application for the grant of anticipatory bail, which met the same fate. The order dated 20.12.2022 is reproduced hereinbelow:-

“Short reply by way of affidavit of Sanjeev Goyal, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa filed on behalf of respondent/State is taken on record.

Learned counsel for the petitioner submits that he wishes to withdraw the present petition.

In view of the above, the present petition is ordered to be dismissed as withdrawn”.

This is the third bail application for the grant of anticipatory bail to the petitioner.

4. The learned counsel for the petitioner contends that it is a case of version and cross-version. The petitioner-Gurjant Singh @ Kala and his son Lovepreet Singh had also suffered injuries at the hands of the complainant-party and it would be a moot point as to which party was the aggressor. The ocular version was contradicted by the medical evidence. Though the petitioner was stated to be armed with a sword, the injuries on the person of Yudhveer Singh are lacerated wounds, which would be caused by a blunt weapon. Similarly, the NCCT report would also show a fracture of the parietal bone, which would be caused by blunt trauma. In fact, the injured Yudhveer Singh has procured the medico legal reports and the NCCT reports in connivance with the doctors and the local police. He further contends that in terms of DDR No.39 dated 09.02.2023 (Annexure P-12), the offence under Section 307 IPC has been deleted, and therefore, there were change in circumstances necessitating the filing of the present third anticipatory bail petition.

5. The learned counsel for the State, on the other hand, contends that all the grounds raised by the petitioner have been raised in both the earlier anticipatory bail petitions. Therefore, there were no significant change in circumstances warranting the filing of this third anticipatory bail petition. He contends that initially, the report under Section 173 Cr.P.C. qua the co-accused was filed under Section 307 IPC. A perusal of the NCCT

of the injured would also show injuries on the head, right thumb and fingers of the right hand. Thus, from a reading of the FIR as also the medico legal examination, an offence under Section 307 IPC was clearly made out. However, even assuming, that the offence was one attracting Section 326 IPC, the petitioner was not entitled to the grant of anticipatory bail looking at the manner in which he (petitioner) assaulted the injured as also his criminal antecedents with as many as two other cases pending against him. So far as the co-accused of the petitioner are concerned, Bhura Singh was granted the concession of regular bail whereas Sukhpreet Singh Gandhu and Lovepreet Singh were granted the concession of anticipatory bail as they had not been attributed the grievous injuries.

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

7. All the grounds raised by the petitioner have been raised and not found favour with the Court while dealing with his earlier two bail applications. The additional ground raised in the present petition is that Section 307 IPC stands deleted. It may be pertinent to mention here that the report under Section 173(2) Cr.P.C. was initially submitted against his co-accused under Section 307 IPC as well. A perusal of the MLR of the injured-Yudhveer Singh would show that he has received injuries on the skull by a sharp edged weapon. The said fact has been further substantiated with the report of the NCCT from Rajindera Hospital, Patiala as per which there was a displaced fracture of the left parietal bone. Therefore, the manner in which the petitioner and his co-accused assaulted the injured as also the nature of injuries suffered by one of the injured Yudhveer Singh would prima facie make out an offence under Section 307 IPC. In fact, it

after his earlier bail applications were withdrawn by him. Further, the petition is an accused in two other cases i.e. FIR No.102 dated 27.05.2020 under Sections 308, 341, 323, 148, 149 IPC at Police Station Bhikhi, District Mansa and FIR No.89 dated 30.06.2018 under Sections 324, 323, 34 IPC at Police Station Bhikhi, District Mansa. Therefore, the criminal antecedents of the petitioner also do not entitle him to the grant of anticipatory bail.

8. In view of the aforesaid discussion, I find no merit in the present petition. The same is therefore dismissed.

February 28, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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