

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

210

CRM-M-21259-2023

Date of decision: 04.05.2023

JAGDEV SINGH JAGGU**...Petitioner****VERSUS****STATE OF PUNJAB****...Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.96 dated 14.05.2021 under Section 306 of IPC, registered at Police Station Sardar Sri Muktsar Sahib.

Brief facts of the present case are that the brother of complainant had dispute with the petitioner-Jagdev Singh @ Jaggu and whenever the petitioner used to meet the complainant and his brother, he used to threaten them to give them beatings, due to which the brother of the complainant/deceased-Ranjit Singh used to remain under tension. On 13.05.2021, Ranjit Singh-deceased left the house without informing anyone. When complainant returned home, his mother told him that petitioner had came to their house and had threatened the Ranjit Singh to give him beatings and Ranjit Singh has not returned. They searched for his brother and found him on the right side of road and he had consumed a lot of liquor and on asking by complainant, Ranjit Singh told that the petitioner had came to their house and had threatened him to give him beatings, due to

which he earlier consumed liquor and then poisonous spray because of daily threats. Then complainant and Shaminder Singh son of his uncle got him admitted in hospital, however, he died during treatment.

Learned counsel for the petitioner contends that it abundantly clear that no offence is made out against the petitioner in any manner. It is pertinent to mention here that the present FIR is a counter blast to the FIR No. 109 dated 29.08.2019 under sections 323, 341, 452, 148, 149 IPC 325 added later on Police station Sadar Dhri Muktsar Sahib got registered by the father of the petitioner against the complainant and his family members. Learned counsel submits that on bare perusal of the allegations levelled in the FIR would show that there is no offence whatsoever in the present case, as the essential ingredients of offences are totally missing in the present case, whereas on the other hand the police authorities could not collect even an iota of evidence which can remotely show that the commission of any offence from the allegations levelled in the FIR, as it is apparent that the brother of the complainant used to drink a lot and he himself said that his brother has consumed a lot of liquor. He further submits that the complainant has got FIR registered against the petitioner to build pressure on the father of the petitioner to withdraw the FIR registered against the complainant and his family members. He also submits that the petitioner is not involved in any other case and anticipatory bail to the petitioner be granted.

Learned State counsel has filed status report dated 04.05.2023 by way of affidavit of Avtar Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, District Sri Muktsar Sahib on behalf of the respondent-State. The same is taken on record. Copy thereof has been

supplied to the opposite counsel. Learned State counsel opposed the prayer made by learned counsel for the petitioner and submits that direct, grave and serious allegations have been levelled against the petitioner. It has been specifically alleged that the petitioner was threatening the deceased to give him beatings and on several occasions, he had met the deceased and was alleged to have threatened him on account of some dispute, after which deceased is alleged to have consumed poisonous spray after drinking liquor. There are direct allegations that he was the one who used to threaten the complainant and it is alleged that applicant-accused harassed the deceased to such an extent that he was left with no option then to end his life. Learned State counsel further submits that allegations against the petitioner are grave and serious in nature and he is a habitual offender and as per status report, petitioner is also involved in FIR No.05 dated 18.01.2023 under Sections 324 and 34 of IPC (Section 326 IPC added later on), Police Station Sadar Sri Muktsar Sahib wherein he is still at large in this FIR. As such, petitioner does not deserve the concession of anticipatory bail and the same be dismissed.

I have heard learned counsel for the parties.

Thus, keeping in view the nature of the offence and gravity of the allegations against the petitioner, however, without commenting upon the merits of the case, the petitioner does not deserve grant of concession of anticipatory bail.

Accordingly, the present petition is dismissed.

May 04, 2023

nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No