

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

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CRM-M-24985-2023

Date of decision: 17.05.2023

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

Present: Mr. Baljinder Singh Sra, Advocate
for the petitioner.

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 FIR No.41 dated 20.04.2023 under Sections 323, 336 and 34 of IPC read with Section 27 of Arms Act (Section 307 IPC added later on vide GD No.15 dated 30.04.2023), registered at Police Station Rangar Nangal, District Batala.

Brief facts of the present case are that on 18.04.2023 Sarwan Singh i.e. son of the complainant and Fakir Singh-complainant were going towards their tubewell and the petitioner-Joga Singh was coming from the opposite side along with his pet dog and when he came parallel to the petitioner, the dog barked. On which Sarwan Singh rebuked the dog and the petitioner got angry and started abusing Sarwan Singh. An altercation took place between both of them. The complainant further alleged that when he reached at the spot and tried to pacify the petitioner, he gave stick blows on the head, waist and chin of Sarwan Singh. On hearing noises, Karanbir Singh (son of Joga Singh), Paramjit Kaur (wife of Joga Singh) both armed with dang and Ramandeep Kaur (daughter-in-law of Joga Singh) empty handed came at the spot. Daughter-in-law of the

petitioner raised lalkara on which Karanbir Singh gave two dang blows on the shin of left leg and left thigh of Sarwan Singh. Paramjit Kaur gave two dang blows on right leg of Sarwan Singh. The complainant further alleged that when Sarwan Singh fell down, Karanbir Singh gave two dang blows to him which fell on his head and right toe.

Learned counsel for the petitioner contends that the petitioner is a retired Subedar from Indian Army and complainant has falsely implicated the petitioner and his family members in the present FIR to settle personal scores with the petitioner. The family members of the present petitioner were not even present at the spot when the alleged incident took place. The complainant in the present FIR mentioned the reason of the enmity that the complainant and the petitioner have dispute with regard to common 'Vatt' of their land which are adjoining to each other. Whereas, in the present FIR, the complainant showed that altercation took place due to barking of dog. This fact makes in amply clear that the present FIR is motivated and the complainant's sons Sarwan Singh, Jagtar Singh and Sarabjit Kaur attacked the petitioner in a pre-planned manner with sharp edged weapons to teach him a lesson. Learned counsel submits that when Jagtar Singh, Sarwan Singh and Sarabjit Kaur attacked the petitioner with deadly sharp-edged weapons, the petitioner in perplexed situation waved his self-defense stick, which has always been kept in his hand on morning walk. The petitioner has no mens-rea or criminal intention to inflict any alleged injury on Sarwan Singh, whereas the other party namely Sarwan Singh, Jagtar Singh and Srabjit Kaur attacked the petitioner in a pre-planned manner when he was going for morning walk towards the fields. Learned counsel further submits that the petitioner had registered a cross-case vide DDR No.19 dated

26.04.2023 under Sections 326, 324, 323 and 34 of IPC against Sarwan Singh. He also submits that the petitioner is not involved in any other case and anticipatory bail to the petitioner be granted.

On receipt of advance copy, Mr. P.S. Grewal, DAG, Punjab has put in appearance on behalf of respondent-State. Learned State counsel on instructions from ASI Jaspal Singh submits that the petitioner had caused injuries to the complainant which have been declared dangerous to the life on the basis of CT scan as well as treatment record, therefore, the allegations levelled against the present petitioner are serious in nature and the anticipatory application of the petitioner be dismissed.

I have heard learned counsel for the parties.

Keeping in view of facts and circumstances, as enumerated hereinabove, the petitioner-Joga Singh and his son-Karanbir Singh gave dang blows on the head and other body parts of Sarwan Singh. As per CT Scan report, there was evidence of fracture of right temporal bone and right parietal bone. Thus, the said injuries have been declared dangerous to life on the basis of CT scan reports and one of the said injuries was attributed to the petitioner. Therefore, the petitioner is not entitled for grant of concession of anticipatory bail.

Accordingly, the present petition is dismissed.

May 17, 2023

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**(DEEPAK MANCHANDA)
JUDGE**

*Whether reasoned/speaking?
Whether reportable?*

*Yes/No
Yes/No*